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THE CHURCH'S RESPONSIBILITY TO THE INCARCERATED

A dissertation
submitted to the General Faculty Council
committee on Bachelor of Divinity Degree
in candidacy for the degree of
Bachelor of Divinity

by

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We, the undersigned, hereby certify that we have read the within thesis entitled "THE CHURCH'S RESPONSIBILITY TO THE INCARCERATED", submitted by David Killam Gilchrist, B.A., in partial fulfillment of the requirements for the degree of Bachelor of Divinity, and we hereby recommend its acceptance.

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D.K.G.

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PART I INTRODUCTION: RESPONSIBILITY ESTABLISHED

Chapter I

The Body of Christ and His Work

"You are my disciples if you do what I command you"[1] said Jesus. Then, to Peter, Jesus gave his solemn instructions: "Feed my sheep"[2] with all the implications such a statement had for the mind of a religious Hebrew.

This feeding of the sheep was no simple, occasional, impulsive act of generosity, like throwing crumbs to the birds, or coins on the collection plate. This was not a fair-weather deed like taking peanuts to the zoo on a sunny day. Nor was this even a regular seasonal gesture of magnanimity like providing Christmas hampers for the poor. Rather, the life of a shepherd was one of complete devotion to the protection and sustaining of the weak and helpless. It meant locating food and water for the sheep; it meant guiding the sheep to the green pastures by the safest route; and it meant protecting every little lamb among them from the malicious intent of lion and bear, of wolf and thief. If we, the Christian Church -- the body of our Lord Jesus Christ -- are to care adequately for the flock of God's children we must certainly see that none are in physical want of food and shelter; we must guide through sound preaching, intelligent counselling, and realistic educational programs; and we must stand fearless against all who would prey upon the ignorance or misfortune of the weak to their own advantage. By and

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1 John 15:14

2 John 21:16-17

large, the Church recognizes these duties, and tries to minister to those within its fold.

But there is another story told in the New Testament -- about a shepherd who trusted his charges to look after themselves while he went to seek one little lamb which had gone astray.[3] Somehow, for all his care and skill, his love and effort, part of his family had become separated. The Good Shepherd did not say, as we are prone to do: "All these within the walls need me, I have enough to do right here: so I shall pray that the lost will find its way back, and welcome it if it happens to return." Nor was there in Jesus the self-righteous attitude of many a "respectable" churchman towards the branded sinner: "He's been astray; probably tainted by all sorts of undesirable influences; he looks suspicious anyway; better keep my children away from his; can't tell WHAT he might do next;" and so on. It would be well for us to ponder a couple of sentences from the writing of Emil Brunner. "In the whole causal series of crime, for reasons of convenience, we only hold the last link in the chain guilty, the 'agent' of the crime in his obvious act..... . In every crime the first and the chief criminal is -- society."[4]

Jesus ministered to ALL sorts and conditions of men. Some were poor, because they were unable to cope with certain competitive aspects of the social order -- aspects which society accepted and condoned. Some were undisciplined victims of degenerating habits,

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3 Matt 18:12, Luke 15:4.

4 Emil Brunner, The Divine Imperative, Lutterworth Press, London & Redhill, Page 476.

whose weaknesses society accepted without necessarily condoning them. And there were some who were destined for incarceration because of conduct which society neither condoned nor accepted. Today we have these same classes with us: the poor, the undisciplined, and the incarcerated. All too often, the Church forgets this last group during the lonely period of confinement; and is unprepared to help them in the period of rehabilitation.

There are those who have sought to help others, and were taken advantage of by the very people who should have been grateful; and they are frequently discouraged by their friends from offering any further assistance. By the standard of such worldly proverbs as "Once bitten, twice shy", this attitude is understandable; but it is far from the tenor of Jesus' disposition -- and is therefore inadequate for a Christian. How did Jesus behave towards those who were in general disfavor with society? How did he treat those who flagrantly flouted the accepted standards of conduct? He was not simply tolerant; he was understanding. In fact, Jesus treated confessing sinners with active concern -- with considerably more patience than he showed towards self-righteous people. Jesus had no time for those who, though in Satan's bondage, thought themselves free.[5] But rather, according to the first recorded instance of his public ministry which Luke gives us, Jesus took his commission from the prophecy of Isaiah:

> "The Spirit of the Lord is upon me
> because he has anointed me to preach the good news
> to the poor,
> He has sent me to proclaim release to the captives
> and recovering of sight to the blind,

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5 Luke 18:10-14

to set at liberty those who are oppressed,
to proclaim the acceptable year of the Lord."[6]

The physically, mentally, morally and spiritually infirm -- all were part of Christ's care; and all must be a part of ours. My thesis is that, of the Church's responsibilities, one which has been seriously neglected is our duty towards the ethically and socially infirm. It is possible, by studying the Gospel records, to determine the relationship which Jesus established with such people.

The most obvious aspect of this relationship of Jesus with the socially-rejected is not mere tolerance; far less is it condescension; it is pure, unpatronizing, genuine forgiveness. Matthew, Mark and Luke, telling of the cure of the paralytic, all quote Jesus as saying "...The Son of man has authority on earth to forgive sins."[7] Matthew particularly emphasizes this point, that we are to forgive even seventy times seven (an innumerable number of times)[8]; and that if we do not forgive others, God cannot forgive us[9] -- as the Lord's Prayer reminds us constantly![10] Both Matthew and Luke show that this is to include even those who are actively seeking to do us harm.[11]

This could be weakly and sentimentally misconstrued to mean that no one should make any attempt to control the deeds of anyone else -- that we should simply accept others as they are, and wish them

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6 Luke 4:18

7 Matt 9:6, Mark 2:10, Luke 5:24

8 Matt 18:21-34

9 Matt 6:15

10 Matt 6:12, Luke 11:4

11 Matt 5:44, Luke 6:27

God's blessing. That is to miss the intent of Jesus' message. As the parable of the prodigal son[12] indicates, one must recognize his error with sincere repentance before being reinstated into his normal place in society. THIS is the goal for which we strive; this is the state which we covet for every fallen soul; this is the end to which we must work, if we are truly the Body of Christ: to dig around the unfruitful figtree and dung it -- not just to cut it down.[13] "The times of ignorance God overlooked....."[14] as society once accepted the amputation of an ulcerated limb; but just as we now expect a doctor to use his modern knowledge to cure and save, so God must expect the Christian Church to accept the responsibility of using the new-found methods, truths and insights which He has revealed to psychologists, sociologists, penologists and other students of human nature, to the saving of sick souls and the mending of maleficent minds.

The establishing of such saving relationships was not, for Jesus, a matter of theoretical principles, or illustrative stories. It was his very mode of living. "The healthy," said Jesus "do not need a physician."[15] So he associated with those who needed him. He went to eat at the house of Zacchaeus, the publican[16]. He called Levi (Matthew) the tax-collector to join his followers.[17] He permitted a

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12 Luke 15:11-32.

13 Luke 13:6-9.

14 Acts 17:30.

15 Matt 9:12.

16 Luke 19:1-10.

17 Matt 9:9.

woman called a "sinner" to wash his feet.[18] And there is a story that he saved the life of an adultress from the legal penalty of death.[19] Even as he hung upon his Cross, he was ready to save and uplift a repentant sinner;[20] for, even if the thief beside him were a political offender, as Leslie Weatherhead suggests,[21] he was still a law-breaker who truly desired forgiveness. Not the demand of law or custom; but the need of the individual -- that is what motivated Jesus. We are reminded in all three synoptic Gospels that Jesus came to minister[22] -- not just to administer.

It is very clear that the negative approach of eliminating evil is not sufficient; but a positive good must be added. If a doctor removes an ulcer from a patient's leg, he must pack it with a suitable antiseptic substance, and dress it carefully, so that healing with good tissue can proceed; otherwise further infections will invade the wound, and the sore will be made worse than it was before. Similarly Jesus points out[23] that when an evil spirit is driven out of a man, and nothing is done to fill the man's heart with a right spirit, the evil spirit will return to occupy his old home, bringing with him others worse than himself. So it is, generally, in society that the common concern is a punitive one -- simply to knock out of a man his anti-social intentions.

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18 Luke 7:36-50.

19 John 7:53 to 8:11.

20 Matt 27:38, Mark 15:27, Luke 23:39.

21 Leslie D. Weatherhead, Personalities of the Passion, Hodder & Stoughton, London, Page 113.

22 Matt 20:28, Mark 10:45, Luke 22:47.

23 Matt 12:43-45, Luke 11:24-26.

But unless a new way of life is taught, to replace the old habits, a discharged convict will almost inevitably drift back again to his former patterns of living, taking with him the education of criminal influence picked up in the jail, thus becoming a worse menace to himself and society than he was before. An editorial on Justice Minister Fulton's proposed penal reforms states that "the 19th century ideas of treatment of lawbreakers.....is (sic) costing the Canadian tax-payer a lot of money, and schooling too many first offenders into a life of crime".[24]

Society as a whole does not care about the man. If he should get into more serious trouble, he can be locked up for a longer period of time. The Spirit of Christ (manifested in the followers of Christ and a few others who are influenced by the followers of Christ in society) stands against this selfish and unrealistic attitude. It is only the Spirit of Christ that makes us aware of the fact that people in prison are God's children and part of God's world. Jesus was sent to save the world.[25] This is still the task which he carries on, through His Church. It follows, then, that a part of that task is the Church's responsibility to the incarcerated. Director James V. Bennett of the United States Bureau of Prisons reflects a Christian principle when he asserts his ".....fundamental belief in the worth of every individual and unswerving faith in the capacity of human beings to change....."[26]

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24 Reform Penal Reform, United Church Observer, September 15, 1957, P.6.

25 John 3:17

26 Federal Prison News Letter, Washington, D.C., February 1959, P. 6.

PART II HISTORICAL BACKGROUND, ECCLESIASTICAL AND CIVIL

Chapter 2

The Church Concerned.

Although Ernst Troeltsch states that the message of Jesus is not social reform, but preparation for the Kingdom,[1] it becomes evident from his writing that he considers this preparation to include a social concern which, at least in our day, must issue in social reform.

This social concern is the inheritance bequeathed by Christ himself to the generations of men. It is the Spirit of active love. This is the Love that is to overcome all barriers -- even hate, fear, and distrust. Surely the reason for incarcerating a law-breaker is because he is an enemy of society. Did not Jesus say "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them that despitefully use you and persecute you"?[2] If we, who are in the Church outside prison walls, are society, is it not, then, our responsibility to do good to those inside? "Since God is active, creative Love, who maketh His sun to rise upon the evil and upon the good, so men who are consecrated to God ought to manifest their love to friend and foe, to the good and to the bad, overcoming hostility and defiance by a generous love which will break down all barriers and awaken love in return."[3] This is a pretty idealistic

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1 Ernst Troeltsch, The Social Teaching of the Christian Churches, George Allen & Unwin, Ltd., London; The Macmillan Co., N.Y., P. 61.

2 Matt 5:44.

3 Ernst Troeltsch, Op. cit., P. 54.

statement which Troeltsch makes; but in it I believe he has caught the essence of the ethic of Jesus, which is very difficult for most of us to comprehend. In fact, as he wisely observes, it is much more easily understood by one "bowed down with a sense of sin and guilt than by a 'righteous man'".[4]

Certainly in the beginnings of the Christian Church there were many men deeply conscious of their sinful nature: Judas Iscariot who hanged himself: Peter who wept bitterly; Paul who spent his life trying to atone for his former persecutions of the followers of Jesus. And we know from Paul's epistles that the antisocial were won and welcomed into the fellowship of the early Church. In his letter to the Ephesians he asks them to put away from themselves deceitful lusts, stealing, lying, and so on;[5] and writing to the Corinthians he says: "Be not deceived: neither fornicators nor idolaters nor adulterers, nor revilers, nor extortioners, shall inherit the Kingdom of God. <u>And such were some of you:</u> but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus, and the Spirit of our God."[6]

It is interesting to note how this spirit of compassion for the spiritual conditions of the less-fortunate members of society is carried into the physical field by the early Catholic Church. It was recorded by someone of that era that "It is the aim of the Church to give parental care to the orphan, to be a husband to the widow, to

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4 Ibid, Page 52.

5 Ephesians 4:22-32.

6 I Cor. 6:9-11.

help those who are ready for marriage to make a home, to give work to the unemployed, to show practical compassion to those who cannot work, to give shelter to the stranger, food to the hungry, drink to the thirsty, to see that the sick are visited, AND THAT HELP IS FORTHCOMING FOR THE PRISONERS."[7] The ethic of Jesus is still apparent; and his commendation of those who give food to the hungry and drink to the thirsty, take in the stranger, clothe the naked, and visit the sick and imprisoned, is accepted seriously.[8] But the emphasis is somewhat less reformative than we find in Paul. There is compassion for the physically disadvantaged; but less concern with spiritual well-being.

With the passing of time, the desire to reform gives way entirely to a program of maintaining the status quo. Immediate suffering was alleviated; but no effort was made to re-establish the fallen and to reform or eliminate undesirable conditions. Troeltsch says of Mediaeval Catholicism: "The charity of the Church, particularly that of the religious orders, was mainly needed for the service of the declassés, the sick, and the abnormal. On the other hand, the presence of the needy folk was considered normal and desirable, since they provided an opportunity for exercise of charity:".[9] Here the means has become important in itself - and not simply because it leads to the desired end. The Church has become self-centered. It is concerned mainly with its own salvation; and if the misfortunes of others can aid in this objective by providing opportunities for "good works",

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7 Troeltsch, Op. Cit., Page 134.

8 Matt 25:34-36.

9 Troeltsch, Op. Cit., Page 253.

then why try to alter the situation? This apathy towards reform was so prevalent that even theft was justified on the grounds that property ultimately belonged to the community, and those living in poverty had a right to what they needed.[10] It would seem that the only incarcerated people for whom the church held much concern in mediaeval days were those whom she jailed herself. And this was not in the nature of reform, but was evidence of an hysterical anxiety to have everyone agree with the orthodox doctrines of the church.

Here was a reversal of the Spirit of Jesus Christ and a distortion of his ethic. And, to add insult to injury, the "inquisitors" appointed as judges of heretics, claimed to carry out their duties in the name of the Man of Peace. The most brutal murder was justified on the pretext of saving souls. Thus those, like Joan of Arc, who threatened the prestige and power of the jealous authorities, were slaughtered by the church -- ostensibly for their own salvation. It was a dark age, when even good deeds were often done for the sake of the doer, and with no real sympathy for the luckless and oppressed. It was an age so hardened that even the great reformers that followed it were occasionally capable of callous insensitiveness; and Luther wrote "Against the Murderous and Thieving Rabble of the Peasants" demanding that "the princes crush with the sword the Peasants Revolt of 1524-1525."[11]

Nevertheless, with Christian thinkers like Wycliff, Huss, Luther, Calvin, and the others, there began to be again a recognition of the dignity and worth of men. The Love which Jesus taught was

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10 Ibid, Page 321.

11 Williston Walker, A History of The Christian Church, Charles Scribner's Sons, New York, Page 354.

passed down through the ages by countless unknown and uneducated peasants and monks, inspired and strengthened by an occasional religious genius like Francis of Assisi. Now this Love was finding anew powerful champions appointed by God to crush the arrogance of contemptible tyrants who tried to use the name of God to control the world for their own advantage.

It must be made clear that the picture painted is very harsh in black and white for brevity's sake. Actually there was much grey -- kind and honourable men even as bishops of Rome; attempts to alleviate suffering, by the Knights of St. John (Hospitalers),[12] for example; and many a nameless saint who did what he could for others, as though he did it to Christ. But it is the somber features of the age that were most conspicuous on the stage of the world's history in the early centuries of this millenium. And it is by contrast the evangelical spirit which has striven to break the shackles of spiritual slavery, has restored to society something of Christ's genuine love and concern for the individual. It is this spirit which is making the world today -- and especially people within the Christian Church -- aware of our responsibilities to our fellows for their own sakes and for Christ's. As for the effect this trend has had and is having upon the incarcerated in the British world, we must look back to eighteenth century England.

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12 Ibid, Page 242.

Chapter 3

John Howard And The Reformers.

In the English world of the early seventeen hundreds, the public conscience was blind to the horror and hell of those luckless folk who, for any reason whatsoever, were put in jail. For some time Australia had been used as a "criminal colony" for England; and convicts were carried over by the ship-load and dumped there. But in time the free settlers there objected, and the practice stopped. The great transport vessels were permanently moored at the banks of England's rivers, and their hulks converted into dungeons. Towns, counties, and even private persons maintained all sorts of holes to handle the increasing number of unfortunates -- under public-houses, and in back rooms, with dirt floors and few windows; and one such place even had the town's open sewer running through it. The reformers of the revival found that ".....men and women had been herded together in (these) dungeons rife with gaol-fever and smallpox";[1] and at the Ely Gaol prisoners were even chained to the floor to prevent their escape, because the security was so inadequate.

But as religious intolerance caused the incarceration of waves of various non-conformists and Puritans, several great men were made rudely aware of the shocking conditions. There was George Fox (1624-1691), who founded the Society of Friends (commonly called the "Quakers").[2] When he was only twenty-five years of age he was thrown into jail in Nottingham, England, for interrupting a service

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1 L. Radzinowicz & J. W. C. Turner, editors, Penal Reform In England, Macmillan & Co. Ltd., St. Martin's St., London, Page 166.

2 Williston Walker, A History of the Christian Church, Charles Scribner's Sons, New York, Page 478-480.

in which doctrines were being taught that seemed to him to be erroneous. Time and again throughout his life he was subjected to such indignity, because he refused to compromise with his conscience in religious matters. And for the same reason, his contemporary, John Bunyan (1628-1688)[3] was kept in Bedford Gaol for twelve years, from 1660 till 1672. Bunyan was opposed to Fox's teachings; but still did not comply with the regulations of the established Church. Even while incarcerated he wrote his immortal allegory "Pilgrim's Progress". When released (by the "Declaration of Toleration") he continued to preach the Truth as he understood it, though it cost him further confinement when the Declaration was repealed.[4] John Bellers was an English Quaker philanthropist who "devoted earnest attention to the state of the ill-managed prisons of the period. .... He urged his fellow religionists to visit the prisons, to comfort and exhort the prisoners and to ameliorate their conditions. .....Among his friends were William Penn and Sir Hans Sloane."[5]

For some time little attempt was made to alleviate the disgraceful conditions which such men found in the jails. But at the end of that century one was born whom Pope has immortalized in the couplet:

> "One, driven by strong benevolence of soul
> Shall fly like Oglethorpe from pole to pole."

This philanthropist, James Edward Oglethorpe (1696-1785)[6] was appointed in 1729 as chairman of a parliamentary committee on debtor's prisons.

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3 Andrew Boyle, editor, The Everyman Encyclopaedia, Vol. 3, J.M. Dent & Sons, Ltd., London; E.P. Dutton & Co., N.Y., Page 117-118.

4 Ibid, Page 117.

5 Federal Prison Service News Letter, Feb. 1959, Washington, D.C., P.18.

6 Boyle, Op. cit., Vol. 9, Page 626.

The consequences of poverty which he saw moved him to obtain a charter in 1732 for settling the colony of Georgia in America as a refuge for paupers.

Just about this time Charles Wesley (1707-1788) began a devotional group called "Our Company" (nicknamed "The Holy Club")[7] at Oxford University; and he began to visit the nearby jails with his friend George Whitefield (1714-1770).[8] His brother John Wesley (1703-1791)[9] became involved and was very active in that work for the rest of his long life. These three sought to bring comfort by the message of God's Love, and repentance by the message of God's Wrath. They also encouraged their followers to minister to the needs of prisoners who were neglected by their families, or who had no friends. Although this was not actually prison reform, it was the groundwork out of which an awareness of the need was growing. Through these reformers God was acting, and the fruits of their concern ripened into mature action in the life and work of John Howard (1726-1790).[10]

"Howard", says Bready, "was among the most heroic of the eighteenth century products of revival."[11] Son of a retired merchant, he was born at Hackney, England, in 1726. He inherited his father's estate when he was orphaned in 1742, and promptly bought up his indenture

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7 Walker, Op. Cit., Page 509 ff.

8 Ibid, Page 510 ff.

9 Ibid, Page 509 ff.

10 Ibid, Page 520.

11 J. Wesley Bready, This Freedom - Whence? American Tract Society, N.Y., Page 246.

from the firm of grocers to which he was apprenticed. He travelled on the continent, married an elderly widow (who died three years later, in 1755), started for Portugal, was captured by a French privateer, and spent a period of grim privation in a Brest Jail. Returning to England, he spent some time in ill health; married again, and had a son; erected model homes and established schools on his estate; lost his second wife; and travelled till 1770. Three years later his life work began.[12]

In 1773, when John Howard was elected High Sheriff of Bedford, he already knew what it was to be on the inside of a gaol, looking out. Inspection of those under his jurisdiction revealed the existence of such deplorable customs as the gaoler's fee, levied against innocent and guilty alike, and payable BEFORE RELEASE. For this reason innocent men and women were sometimes compelled to live in jails for extra months, and even years. There was much cruelty, and inadequate provisions for food and clothing. They were criminal factories--not reformatories; and they usually sent people back into society much the worse for their experiences--bitter, resentful, shamed, brutalized, stigmatized, and completely incapable of adjusting to good citizenship. The great spirit of this Puritan reformer rose to the challenge; and miraculously his frail body found the strength to bear him through seventeen years of incessant travel. He toured the British Isles many times, visiting nearly every jail; and was able to persuade the parliament to pass bills abolishing the gaoler's fee for the innocent, and requiring numerous improvements in prison facilities and discipline. For

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12 Encyclopaedia Britannica, Vol. XIII, Page 846

example, the Justices of Peace were required to have all cells under their jurisdiction whitewashed at least once a year, all rooms regularly cleaned and ventilated, infirmaries and medical advice provided when necessary, the naked clothed, and dungeons avoided as much as possible.[13]

Howard made several trips all over Europe, studying penal systems and institutions as well as lazarettos; and advising grateful governments of his findings. One of his trips was to France for an exciting inspection there. At first he was denied admission to the French prisons; but he proved his ingenuity by discovering an old law of 1717 permitting anyone to enter the jails for the purpose of alms-giving. This got him into the Bicêtre and the Force l'Éveque -- but not into the Bastille. So the spunky little hero banged loudly on the large gate till it opened, and then marched through the guard right to the head of the Bastille drawbridge.[14] Though he got no farther, he did procure a suppressed pamphlet about the Bastille, and later translated it into English. At Ghent in Flanders he found the enlightened Maison de Force, with its OPPORTUNITY FOR USEFUL LABOUR (in the profits of which the prisoners shared), and its separation of the inmates at night. In Holland he was surprised at the very low incidence of crime, and impressed with their spin-houses and rasp-houses (of which more will be said below). But Germany was badly in need of reform -- especially Hanover and Osnabrück (which were under British rule), where he found traces of torture.

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13 Ibid.

14 Ibid.

In 1777, as a result of Howard's published report The State of Prisons of England and Wales, with Preliminary Observations, and an Account of Some Foreign Prisons, the English Parliament drafted a bill for the building of two penitentiary houses, to provide solitude, labour, and religious instruction for the prisoners; that is, to reform, and to inure to habits of industry. In 1778 a commission examined Howard about the "hulks" (the hulls of the transport vessels which had been used to take convicts to Australia, and were still being used as floating dungeons, tied up in England's rivers); and then condemned the use of them as jails. Sir William Blackstone and others urged that something like the previously-mentioned Dutch spin-houses (where women inmates were kept occupied spinning) and rasp-houses (where the men rasped wood) should be considered; and Howard once again set off for more detailed information.[15]

Altogether John Howard spent some £30,000 of his personal fortune in the work of prison investigation, publication of reports and circulation of new measures passed by parliament, and encouragement of reforms. He covered many thousands of miles, suffered extreme hardships in the service of others, motivated by the concerned evangelical spirit of his day. The Russians, in whose country he died, on a journey in 1790, buried him with great reverance, made plastercasts of his face, and erected a beautiful memorial to him. In England his statue (made by Bacon) was the first to be permitted in St. Paul's Cathedral, London. And, even more significant as a tribute to him,

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15 Article by G. F. Russel Barker, Dictionary of National Biography, Vol. X, Smith Elder & co., London, 1908, Page 45.

is the ever-increasing number of prisoners-aid societies calling themselves by his name - the John Howard Societies of the world. More will be said of these societies in the sixth chapter.

Once awakened to their responsibilities, Christian people all over the world have accepted the challenge which Howard presented. As individuals and in groups they have done what they could to ease the suffering of those in trouble, and to help ex-convicts become rehabilitated. But the most effective work had to be done through official channels. The greatest responsibility, therefore, fell upon the shoulders of men of Christian conscience, within the governments of the world.

Chapter 4

Governments Concerned

A. The Old World

Even before John Howard had begun his investigations there were enlightened governments trying to apply sound reason and Christian charity rather than simple, vindictive emotion to their treatment of social and legal offenders. One problem they faced was that of filling in the vacant hours during detention. For centuries the main objective of incarceration was to isolate criminals from society and to punish them by depriving them of their liberty. There were those who (like members of the Society of Friends, or "Quakers") felt that this opportunity to meditate would have a salutary effect. But for those not so inclined it frequently led to insanity; and in other cases it led to embittered ponderings on revenge. Certainly it afforded excellent facilitation of education in criminality.

There were those who, perhaps because of sadistic desire to add punishment to punishment, advocated sentences including the crushing of rock with hammers. This idea commended itself to more humanitarian people for another reason: namely that it would break the tortuous monotony and keep the prisoners in good physical shape, at least. Unfortunately this occupation did not have the expected effect; for the purposelessness and uselessness of such an expenditure of energy only added frustation to boredom and anxiety, and resulted in greater mental disturbance than did the idleness. It then occurred to keener minds that there was no good reason why a man, simply because he was in jail, should not be usefully occupied, and thereby help to support himself,

thus lessening the burden of the public treasury. To mention only a couple of the agencies which adopted this reformative principle, the government of Holland set up spin-houses in which the women inmates spun cloth, and rasp-houses in which the male inmates rasped wood; and the administration of the Maison de Force at Ghent in Flanders introduced industries in which the prisoners could be gainfully employed, and in the profits of which they could share. This latter also provided for separation of its inmates at night.

Various European governments (though by no means all of them) had begun to regard the population of their jails as misdirected human beings to be reformed -- as potential citizens to be brought to penitence and then taught to take their places as useful members of society. Stern and disciplined though John Howard was, his Christian soul responded to this view. Men were not mere animals to be herded and hounded like beasts. Controlled and even punished, of course: one had to pay a penalty for one's crime, just as one had to pay one's debts, to square the score and restore one's relationship with society. This purpose was not realized by brutalizing a man, forcing him to live in degrading circumstances that drained from him any vestige of human decency. Christian men were especially indignant over the injustice accorded to innocent people who were acquitted by the courts yet could not buy their release from jail.

Though perturbed by Howard's revelations, the English Parliament was cautious about instituting changes too rapidly, for fear of incurring public disfavor. Therefore Howard was requested to provide evidence of some precedent for his proposed reforms. Though his intensive examinations of the British penal system could

establish no such thing, his detailed report, presented on March 4th, 1774, to a committee of the House of Commons and supporting the suggestions previously made by Oglethorpe and his parliamentary committee, persuaded the government that action must be taken. At once a bill was passed directing the counties to pay the gaoler's fee for all against whom the courts could find no true bill; and ordering that such innocent parties should be released at once. Shortly thereafter another bill was passed requiring the Justices of the Peace to have all cells under their jurisdiction whitewashed at least once a year; to see that all rooms were regularly cleaned and ventilated; to arrange for infirmaries and medical advice to be provided where necessary; to have the naked clothed; and to avoid the use of dungeons as much as possible. Though these bills were printed and distributed (at Howard's expense) so that no jailer could plead ignorance of the law, these new instructions were generally evaded. Yet a great step forward had been taken, for now at least there were influential men who were concerned.

The next consideration was that of the reformation of the prisoners themselves; and this involved eliciting the penitence of the wrongdoer. In 1777 Parliament drafted a bill, proposing the erection of two penitentiary houses for this purpose. This bill was passed in 1779, and the buildings were erected. Meanwhile the use of the "hulks" as prisons was condemned in 1771. Four years later a committee of the House of Commons of Ireland accepted from John Howard, evidence of the conditions of Irish jails, and recommendations for their improvement. An indication of the favorable reaction of the Irish to his work, was the conferring of an honorary LLD. degree

by Dublin University, on John Howard.

Gradually country after country instituted one reform after another. At first they were just laws on the books; then the people would accept the new ideas; and finally the regulations could be enforced. The leadership of Holland was closely followed by Great Britain; and Belgium, France, Germany, Scotland and many others also became more realistic and humane. Corporal punishment for prison offences is abolished in France, Belgium, and most of the other European countries; and in England it is very rarely used. In Great Britain, France, Holland, and Belgium habitual offenders are segregated from the others in order to reduce their contaminating influence. All these, as well as Germany and other countries have systems of "prison pay" whereby a man can earn something towards his release. The industries concerned are in some cases restricted to prison and government consumption; and in other cases private businesses are permitted to contract prison labor provided that the products will not conflict on the open market with other goods manufactured in the respective countries. Particularly interesting is the Dutch prison farm at Veenhuigen for beggars, vagrants and drunkards. This institution, which is post-Napoleonic in origin and has an accommodation of about one thousand five hundred, employs men both outside and in various shops. Escapees, being non-vicious, cause no excitement. They are usually returned by police sooner or later; but if they should happen to find employment elsewhere, first, their escape is overlooked and everyone is just so much the happier. The Belgians have a similar institution at Menplas. The educational principles of the British Borstal system were adapted in one form or another

to the needs of Holland, Belgium and France, at least, with satisfactory results; and further experiments are still being made to discover better methods of fulfilling the purpose of penal systems -- to make better citizens instead of greater enemies of society.

B. The New World

Of greater immediate concern to us, as Canadians, is not the origin and pioneering of penal progress; but rather the degree to which Canada has taken advantage of the research others have done and the extent to which she has profited by others' experiments. Although society would no longer tolerate the vile living conditions prevalent in the English jails of the seventeen hundreds, the typical Canadian attitude -- lay and administrative -- towards the incarcerated was certainly a couple of hundred years out of date at the turn of this century. It might be said, then, that during the mid-twentieth century our Canadian Penal system is about one hundred and fifty years behind our mother countries. We have accepted the principles which John Howard advocated -- that reasonable cleanliness must be provided for the incarcerated, since they are not beasts; they are human beings and should not be forced to live in filth. That brings us up to about eighteen hundred. As for realistic efforts to reform and rehabilitate and socialize those who are out of tune with society, they were few and half-hearted and unco-ordinated during the last century.

In most respects, Canadians imitate the examples of our southern neighbour, the United States of America. Clothing, cars and customs, entertainment, education, business and agriculture -- in all these things we tend to become more "Americanized" than"Anglicized". But in one respect we are different; for we are not so deeply impregnated with the adventurous spirit. When it comes to enterprise and experiment, there is generally a much more cautious approach among Canadians than among Americans. So it is that, whereas the Americans were quick to become interested in the new prison methods overseas,

Canada was very slow to consider them seriously. There is one negative aspect which we do share with the United States. When World War One began, we were the only two countries in the world without a centralized penal system.[1] Therefore whatever is said about the United States is not necessarily universally true there. Generally speaking, however in 1938 habitual offenders in United States' prisons were segregated from other classes; there was time for exercise and recreation, and a variety thereof; prisoners engaged in industry were paid (preference in selection being given to those with needy families, and most of the earnings were sent home); medical aid was administered by the Department of Health rather than by the Department of Justice; and corporal punishment for prison offenders had been completely abolished.

In that same year, 1938, the Report of the Royal Commission to Investigate the Penal System of Canada (under the chairmanship of Honorable Mr. Justice Joseph Archambault) revealed the bleak picture of Canada's backward penal system. There was the discovery of the sordid abuse of power, the pathetic lack of training for officers and guards, the astonishing rate of recidivism,* and the horrifying fact that most prisoners were turned out of jail <u>worse</u> than when they were incarcerated.[2]

Of course this did not all come as a big surprise. As early as 1832 the legislature of Upper Canada appointed a commission

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* "The habit of relapsing into crime" - The Shorter Oxford English Dictionary.

1 Hon. Mr. Justice Joseph Archambault, Chairman, <u>Report Of The Royal Commission To Investigate The Penal System Of Canada,</u> Queen's Printer, Ottawa, Page 340.

2 Ibid, Page 100.

which, after carefully examining all the places of detention in that part of the country, recommended the building of what we now call Kingston Penitentiary. Sixteen years later another commission was appointed to investigate certain complaints relevant thereto and to tender suggestions regarding them. It recommended that (i) juveniles be segregated from older offenders; (ii) a separate cellular system be used in place of a congregational system; (iii) new arrivals be kept in solitary cells and (iv) other prisoners should be classified; every gang should be secluded from the others. In 1876 a Federal government commission was charged with the duty of looking into the prison labor situation and also into the matter of the remuneration received by officers. The 1913 commission was to report on the conduct and administration of Canadian prisons. Then a commission was appointed in 1920 to give advice on a general revision of penitentiary regulations. But in spite of all this, little had been done.

Canada was a new frontier. Those who came were prepared to die. The native Indians were often hostile, famines were frequent, doctors were scarce, law was a gun, and life was cheap. Men had to be hard in those days, though there were some Christians with the love of God in their hearts. It isn't too surprising that, as communities grew, there was little patience with one who didn't play the game according to the rules, and who opposed the order of the new society. It was hard enough to eke out a living from the new land, and anyone who hindered the efforts of others by stealing or committing some other crime had to be put out of the way. At first he could expect to be shot or lynched; but later he was just locked up. No one had time to ask <u>why</u> he had misbehaved. It was each man for himself, or

perish -- and give your neighbour a hand if you could. So it is not hard to understand how the idea arose that a jail was a means of controlling social pests; and their inmates could either rot or be sent elsewhere. They were not wanted around town. There was no concept of making citizens out of them -- there were enough citizens as it was. If a man was bad, then he was bad, and if he were never seen again, it was "good riddance" to him. But when Canada took her place among the civilized countries of the world, the laws and passions of the jungle and frontier had to give way to systems of intelligence, understanding and reform. In a modern civilization, with its denser populations, it is easier for an antisocial person to lose himself in the crowd until he is ready to strike again; because he is unknown, he is not constantly watched. Besides, in a civilization he is more apt to be married and have a family depending on him, so it is even more important for him to be prepared to live as a citizen. Therefore the penal system of a civilized country must involve principles of education and reformation. If this civilization is also a Christian Society, then it must <u>also</u> be concerned for the criminal for his own sake.

Understanding the background, perhaps it is not so difficult to see why conditions were as Mr. Archambault found them in 1938. And certainly failure to institute the recommendations made in the report of that commission cannot be blamed entirely on the government, since "government" moves only as fast as the electorate is willing to let it. An unenlightened public and an unconcerned church must accept part of the responsibility, as will become evident in the following chapters.

Very briefly, here are some general characteristics of Canadian penitentiaries in the pre-World War Two years, and some of the comments which the members of the commission made about them. There were many old buildings with poor heating and ventilation, causing discontent. Also personal sanitation was inadequate, usually providing for only one shower a week. The personnel---the officers and guards -- were not properly trained and frequently displayed their inferiority by abusive treatment of their charges. The discipline was aggravatingly severe anyway, with numerous unimportant and unrememberable rules; and this gave the spiteful guard ample opportunity to punish a prisoner he happened to dislike. The resulting sense of injustice towards either himself or a fellow, incited many an inmate to join in rioting. It also tended to kill any possibility of faith in human justice, and created scepticism and bitterness and a contempt for the law. Favoritism often had the same results. This situation was all the more serious in view of the fact that Canada had absolutely no outlet for the complaints of her prisoners -- real or imaginary -- except rioting. The five suggestions[3] made by the commission seem so logical it is amazing that they were not taken for granted years before: (i) that guards try giving warnings first instead of reporting every minute infraction like tattletales at school; (ii) that nagging guards be discharged; (iii) that wardens investigate complaints by questioning the complainers before rushing into a trial (where wardens usually felt compelled to back the guard even if the charge appeared ridiculous); (iv) that the trial be before

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3 Ibid, Pages 64-65.

a panel--for example, the warden, deputy warden and physician; and (v) that appeals be allowed before a Board of Visitors, as in Great Britain. As for punishment, regulation-breakers could be lashed for just about any offence--at a time when England resorted to such methods only in rare and extraordinary circumstances, and several countries forbade the use of the lash altogether. The Canadian version of the weapon was frequently sadistically perforated with holes.

It is unfortunate when a system is poor; but it is a pathetic thing when even the meagre requirements provided for by the law are disregarded by the law, as was the case with the unsatisfactory educational program. Libraries, also, were subject to poor censorship. So far as the teaching of trades, use of farms, opportunities for work, provision for exercise and competitive games, and participation in concerts, hobbies, and recreation were concerned, they were totally inadequate. Letter-writing was greatly restricted and subject to the embarrassment of prison-stamped stationery (which prevented a good many men from contacting relatives). As for visiting, it was also too limited, and often permitted only under the humiliating circumstances of barred or peephole cubicles.

Of course, not everything was to be criticized. The food, though sometimes poorly prepared, was of excellent quality and sufficient quantity--far superior to that in the nineteen British and the score of European institutions which the commission visited. And although they were used too much and too indiscriminantly, the punishment cells were not the terrible places commonly supposed. By this time, too, action had been taken on the report of the 1913 Commission, and the Deputy Attorneys General had been persuaded to accept provincial

responsibility for the insane who had formerly been kept in quite unsuitable prison cells.

Perhaps the most scathing remarks made by the Commission and repeated throughout the report in various ways, are those concerning the reformative function of the Penal System. Criticism begins with the beginning--the classification of prisoners. There is little attempt to prevent daily contact between recidivists and first-offenders. Both in 1857 and 1869 statutes were passed in Canada declaring that the job of the prisons was to reform and to seek the health of the prisoners--religiously, morally and industrially. To further that end Canadian regulations made provision for the classification of offenders, in 1889, and in 1909 there was a resolution in the House of Commons to have an investigation of the best means of accomplishing this. During the next year every warden and chaplain but one urged that the matter be attended to with urgency; and we find both the 1913 and the 1920 commissions were still urging action. Bitter is this comment from the 1938 report: "The undeniable responsibility of the state to those held in its custody is to see that they are not returned to freedom worse than when they were taken in charge. This responsibility has been officially recognized in Canada for nearly a century but, although recognized, it has not been discharged. The evidence before this commission convinces us that there are very few, if any, prisoners who enter our penitentiaries who do not leave them worse members of society than when they entered them."[4] The only

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4 Ibid., Page 100.

attempt being made by the government to remedy that situation was the employment of chaplains and the obligation of all prisoners to attend service. Of the five full-time and two part-time Protestants, six full-time and one part-time Roman Catholic, and one Jewish, chaplains, the commission wryly comments that some were good and some were not.

What has this to do with the churches as a whole? The following quote should be sufficient to answer the question: "Your Commissioners are of the opinion that, inCanada at present, the great religious denominations are displaying too little interest in the prison population, both while in prison and after discharge. The Salvation Army and some organizations of the Roman Catholic Church are giving creditable and commendable service, and it is all the more regrettable that there seems to be no organized effort among the Protestant Churches to co-ordinate their services in rendering this much-needed assistance to those unfortunate members of society."

For seven years progress was practically halted by World War Two. But in 1947 the project was resumed with General R. B. Gibson in charge.

C. Canada Catches Up

Professor Sheldon Glueck has described the Canadian penal situation of the pre-World War Two days in this succinct analogy: "The policy of controlling fires by merely putting out the flames and sitting back to await more fires is rapidly being abandoned as shortsighted and wasteful. Study of causes of fire and development of preventive programs are becoming essential activities of the modern fire department. In relation to the control of delinquency and crime, however, society has not progressed much beyond the stage of putting out the flames."[5] Unfortunately this condition prevailed for some years after the Archambault Report was published due to the distractions of the Second World War. But in 1946 a new commission was appointed, under the chairmanship of Major-General R. B. Gibson (now the Commissioner of Penitentiaries for Canada), (a) to consider the recommendations of the Commission of 1938, (b) to inquire into relative matters, (c) to report and recommend to the minister what was expedient, (d) and to perform other duties assigned by the minister. This commission, after careful study, agreed that the proposals of the Royal Commission under Archambault formed a sound basis for penal reform. It was found that, although the suggested reorganization of the penitentiary administration had not yet taken place, two appointments had been made: namely a Supervisor of Penitentiary Farms, and a Supervisor of Stewards.

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5 Ibid, Page 175.

In spite of the difficulties encountered during the war years, such as the shortage of staff, over one hundred recommendations had been adopted, affecting many phases of the prisoners' life. A man was no longer deprived of his visitors nor letter-writing privileges as punishment; and use of the library was forbidden only when that privilege had been abused. The quantity of visiting and writing permitted was increased, the former under improved circumstances (cages with counters being provided in most penitentiaries); and the latter made less embarrassing by the elimination of marked penitentiary paper and by the use of pens instead of pencils. Life was made a little more pleasant by the provision for more frequent bathing, with showers being installed in the cell-blocks of some penitentiaries. The cell-lighting was improved. Further comforts were added by the provisions of lighters, for smoking at rest time, for more exercise, for increased freedom to talk, for daily radio broadcasts and for films (educational, vocational and recreational). Of more practical help was the expansion of the libraries, with the introductions of shop manuals, instruction books, and trade magazines. There was also some advantageous revision of the rules governing remission.

Progress was starting in the area of work. Shops were inspected, and machines modernized. Vocational training programs were being proposed; and training of instructors in the art of teaching was being advocated. In 1939 some of the officers had been sent to the British Training School at Wakefield, England; and the establishment of a similar Canadian school was being urged to supplement the in-training programs.

So far as the reformatory principles were concerned, very little had been done, due to the disrupting influence of the war. Even the fundamental work of classification boards was seriously hampered by the lack of facilities to segregate the groups. Yet the importance of this fundamental step in reformation has been stressed continually in the annual reports of the Commissioner of Penitentiaries as a prerequisite to effective treatment. The inadequacy of mere incarceration is expressed in the 1950 annual report: "From the judicial point of view a prison sentence, or such other punishment as is ordered, is considered also to have a deterrent effect, if not on the persons so sentenced at least on others who might be disposed to commit similar offences. The amount of actual deterrence, however, is open to question; if there is any, it would seem logical that the harsher the punishment the less the total amount of crime. All serious students of the subject know that historically this has not been the case."[6] Therefore efforts have been made to increase the opportunities for specialized treatment. From the 1954 report there is this bit of history: "Classification of prisoners according to detailed sociological, psychiatric, psychological, education and medical examinations has been a recognized part of most prison systems. This process involving individual treatment, is said to have been pioneered in New Jersey in 1917 and in Belgium in 1920. The Classification Board has been an integral part of the Canadian Penal System since 1933, as a device for studying the needs of the prison, but it was not

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6 Annual Report of the Commissioner of Penitentiaries, For The Fiscal Year Ended March 31, 1950, Page 7.

until 1947 that qualified specialists were appointed to devote their full attention to such studies."[7] The classification program was improved in 1948, with the appointment of a "Classification Officer" and a Classification Board; in 1949 there was improvement in methods; in 1950 there was an enlargement of the staff; in 1951 intelligence quotient surveys were made; in 1952 the Federal Training Center was opened in Quebec for the young offenders and reformable offenders; in 1956 group therapy was introduced by a psychiatrist. This last-mentioned advance is reminiscent of a statement made some twenty years ago by a leading student of criminal behaviour; ".....criminality is without exception symptomatic of abnormal mental states and is an expression of them."

All the classification in the world would do little good unless the penitentiary staffs were trained to create an atmosphere conducive to reform, and unless the penitentiary officers were prepared to take advantage of the reformative opportunities offered by the classification of prisoners. There is little use in diagnosing a disease unless the patient can be put in a situation conducive to healing, and the doctors know what to do to encourage healing. So in February, 1948, a training program for officers was set up in Ottawa; and in October it was made permanent, with a Superintendant of Training appointed. The R.C.M.P. made available a barracks at Rockcliffe until 1951, when the quarters were moved to Laurentian Terrace. The next year "Calderwood" in Kingston was purchased, and the Fall and Winter courses were suspended during alterations.

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7 Ibid, 1954, Page 18.

Since that time the project has grown steadily, with the result that all penitentiary employees have an enlightened perspective of the prisoner's point of view and of their own responsibilities in relationship thereto, as well as some simple psychological principles and educational methods to assist them in the performance of their duties. In addition there is an in-service training program which has now been adopted in several provincial institutions.

Fundamental in the job of making better citizens is Education. For many years there had been some library facilities in the penitentiaries to help keep the inmates occupied during the long period of cell confinement at the end of each day. But in 1948 a definite policy was adopted of improving the types of books and trying to attain the level set by the United States as the Standard for Penitentiary Libraries. This goal has been steadily worked towards with occasional increases in annual library grants, and with the introduction of daily newspapers (previously forbidden) in 1951. In some cases full-time librarians have been appointed; and in others the teacher or an inmate is in charge. By 1948 a qualified teacher had been appointed to each penitentiary; and in that year arrangements were made for correspondence courses through the Department of Veterans' Affairs, and also through the Departments of Education. In some places Dale Carnegie courses in public speaking were started, and there were other more specialized courses given annually with the co-operation of universities (for example, a course in mineralogy given at the penitentiary in British Columbia). This expansion made necessary an increase in classroom space. In May, 1954 an education building similar to that at the Federal Training Center was opened at Kingston;

in 1956 a new auditorium housing library and educational facilities was completed at the Saskatchewan Penitentiary; and in 1957 one was begun at Dorchester. Evening courses were started at Kingston last year. At the same time a new experiment was made in Saskatchewan to raise those with grade seven or six education to grade eight standing in four months; and this proved to be a fairly successful venture. The purpose is to provide as many inmates as possible with the pre-requisites for certain vocational training courses.

The importance of training prisoners in some vocation has been emphasized frequently by most writers on this subject. In order to make the penitentiary programs more effective, ex-service rehabilitation equipment was purchased in 1947, and a syllabus developed which included theory and practice, lectures and films. As the 1949 report states: "There is an increasing realization that the true purpose of the prison is not only to keep in safe custody those committed to its care but to train, uplift and educate its inmates for better and future citizenship."[8] To this end some fulltime vocational training courses were established for selected inmates. This policy has been slowly extended; and it was given further impetus by the recommendations of the Fauteux Commission, so that both the number of courses and the training facilities have been greatly increased.

But "All work and no play makes Jack a dull boy"; and the following quotation from the 1950 report explains the "play" part of the prison program. "The (Archambault) Commission states that a properly planned program of recreation should be regarded not as

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8 Ibid, 1949, Page 7.

entertainment, but as part of the treatment necessary to strengthen soul, mind and body. It is important to realize that the provision of such facilities is not merely a pampering or molly-coddling of the prisoners as is so commonly suggested by uninformed critics, but that it is a provision to satisfy basic psychological needs of a human being and is a fundamental and integral part of any program which aims to achieve the reformation or rehabilitation of the individual. Man does not live by bread alone. This statement made by the greatest teacher of all time, of man's basic need for spiritual and emotional satisfaction has been more than amply corroborated by the findings of modern educators. It is considered, therefore, that further development of an adequate program of recreational activities is a fundamental part of a treatment aimed at re-creation of men."[9]

Many games had been forbidden in prison, on the grounds that physical contact between the inmates could only lead to trouble. But experiments with such team games as basketball proved that theory to be false. Inmate committees were chosen and proved to be useful as liaisons. By 1951 they were in all the penitentiaries. Baseball was introduced, and was found to be of value in teaching control and the acceptance of defeat. Softball and hockey teams sometimes played outsiders. By 1953 football, volley ball, and broom ball leagues, weight-lifting, gymnastics, horseshoes, quoits, tennis, handball, wrestling, ping-pong and boxing had all started; and there were also bridge, checkers, chess and so on for less active inmates.

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9 Ibid, 1950, Page 17.

But all these games are allowed only during the recreation period.....not during the long evening cell-confinement. And it is reported that in the prison community it is evident that "Satan finds some mischief still for idle hands to do." Therefore hobbies are taught. They have to be very carefully supervised, and each man must be authorized separately, there being many who cannot be permitted to have any kind of tool in their cells. Sometimes paintings are submitted to art exhibitions. Other hobbies like leatherwork and copper work, prove to be of financial value on release.

One further development is in the field of music, including orchestras (one of which at Prince Albert raised one thousand dollars for the Tuberculosis Fund by radio broadcasts), bands, choral groups (at least one of which...at Dorchester...has won a music festival); and church choirs for the weekly services.

There is a much more direct and specific avenue of expression now available to the prisoners, and that is their own publications. In 1950 the inmates of Kingston Penitentiary started to put out the Tele Scope; and the Pathfinder began in Saskatchewan Penitentiary within a year. By 1952 every penitentiary had its own, and they have continued since....except for a short interruption of one of them in 1957 due to censorship. These papers provide not only a release valve for the writers, but also a means whereby the understanding of the outside readers might be enlightened.

It has been established that a man makes better progress if he can feel some kind of personal dignity. To this end arrangements were made about 1952 for inmates to shave themselves, although this involves very careful distribution and collection of razor blades.

Another concession was made in 1955 when, in spite of the extra censorship entailed, the number of letters each man could write per month was raised from two to four.

Where does the Church fit into all this history? Certainly much that has been written contains Christian principles and attitudes. It is very evident from reading the government reports that the place of the Church is an important one, with its center in the chaplains. Although there is a great deal to be done by the Church-outside-the-walls, sufficient communication has not yet been established with the authorities inside the walls. "It is a little discouraging, however, that more of the clergy do not take advantage of the opportunities which are gladly afforded them not only to visit the prisoners and to see something of the efforts that are being made to develop a positive rehabilitation program, but that so few of them visit individual members of the prison population."[10] Practically the whole tremendous pastoral burden is on the shoulders of the chaplains. There is a Protestant and a Roman Catholic chaplain for each penitentiary, plus some assistants appointed where possible, services of rabbis provided where necessary, and the voluntary work of the Salvation Army. Those under regular appointment serve on the classification board interviewing every new inmate, in addition to carrying heavy case-loads of interviews with those who ask for extra attention. Then there are Bible classes to teach, forums to conduct, and various other functions with which they may be asked to assist.

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10 Ibid., 1952, Page 30.

One important organization with which the chaplains are likely to be connected is the AA group. By 1951 these were established in all the penitentiaries, and now they are working in co-operation with groups outside the walls, so that there is a continuity for the prisoners when discharged. This provides contacts for jobs, and friends in times of temptation. At least one Narcotics Anonymous group has been started, also.

Not many of the church's people are members of Alcoholics Anonymous; but that certainly does not prevent them from helping in the work of rehabilitation. The Gibson Commission considered this work important enough to receive substantial government support..... which it has. All penitentiary officials are required to co-operate as fully as possible with the various Canadian prisoners' aid societies; and federal grants started about 1949, have been gradually increased from $27,250.00 in 1951 to $60,000.00 in 1958. Through the work of these groups employers are slowly becoming more willing to "take a chance" on employing men with prison records. In 1954 the Penitentiary Staff College accommodated a conference, attended by thirty-one delegates, on "Care and After-Care of the Offender"; and that successful venture was repeated annually, until last year, when it was held on a regional basis rather than national. It is fully realized by all concerned that neither education nor vocational training are in themselves answers to the problem of release; and it is then that the mettle of man is truly tried; it is then he must apply the knowledge he has received. The government can provide him with tools; the public (and that means especially the Christian public) must provide

the opportunity for him to use them: acceptance, employment, and above all friendship within the Christian fellowship. "It cannot be too strongly stressed.....that the effectiveness of any ex-prisoner rehabilitation is dependent, in the final analysis on the support of the general public."[11]

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11 Ibid, 1949, Page 22.

PART III THE JOB TODAY

Chapter 5

On Course!

As Major General Gibson has warned, a carefully planned reform program must move slowly, especially when it has to be co-ordinated all across a country as vast as Canada. Many of the same principles, however, can be implemented provincially more quickly; and on this level there is much interesting advance being made. There is in fact, much good-natured rivalry between some provinces, and considerable real pride on the part of jail staffs regarding the progress that has been made at each institution. The officers in all seven institutions which I visited proved most eager to show what they are doing to make the stay of each offender a time of real reformation and maturation.

Minimum Security Institutions like the Bowden Institute for Boys (Bowden, Alberta) and the New Haven Borstal Institution (Burnaby, British Columbia) take young offenders in their late teens and early twenties. A large percentage of these have left school too soon, and have drifted with no training and little inclination to wield a pick and shovel. By far the larger number of them come from some kind of disturbed home background, and have never really learned much personal dignity. Bowden emphasizes the vocational training, with shop courses in welding, autobody work, motor mechanics, carpentry, farm mechanics, agriculture, cooking and baking. This is logical because of its location in a basically farming province. New Haven, however, stresses the building of character. This is a fundamental principle of the

British Borstal System. One means of fulfilling this objective is to give a man something he can be proud of, teaching him to do something unique. There is, therefore, an excellent course in the culinary arts. Also some of the boys hand-manufacture precision tools and instruments. The hobby work is of a superlative quality, and many of their train-stagecoach-and ship-models are entered in the Vancouver Exhibition. Some gardening and animal-care is taught also. Both these institutions are without walls or fences, and could be left in a moment. Yet breaks are very rare.

But minimum security institutions are not restricted to the young. Rev. Barry Cooke, writing in the Observer[1] tells of the successful experiment at Joyceville, fifteen miles from Kingston, Ontario, where a few prisoners were sent prior to release. In spite of the absence of locks and bars it is only rarely that anyone tries to escape, even though it would be easy. The physical work, the contact with outside ball teams, and the responsibility which the prisoners must assume, all tend to make the adjustment to civilian life very much easier.

Very similar is the Gold Creek Prison Camp (British Columbia) where living quarters are the same as in a civilian camp. Here the men clear bush, build roads, erect fire-places and construct tenting areas, in a developing camp-park. Here,also, teams come to play ball, and many passing motorists inadvertently drive in, not realizing that it is a prison camp. This venture, too, has proven most successful, requiring considerably less expense per man in personnel and accom-

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1 The United Church Observer, July, 1958, Page 12.

modation than any ordinary prison; and the rehabilitation value is considerable, though by no means one hundred per cent. Crafts and recreation play a large part in off-work hours, and a great deal of artistic talent is revealed here, as elsewhere in our prisons. Sunday Church Service attendance is voluntary, and the men (probably one half the camp) form a most responsive congregation.

A unique and remarkable experiment, which has proved itself, is the Belmont Alcoholic Rehabilitation Prison (near Edmonton, Alberta). In addition to those with "drinking" problems there are as many young offenders and first offenders as can be accommodated after the alcoholics are taken care of. These others are invited to participate in the Alcoholics Anonymous program, and frequently profit by the lectures given (seven a day) in fields related to the problem of alcoholism (physiology, psychology, etc.). Each man has a certain job to do either in the building or on the attached farm. At this time of writing (1959) since its beginning (1953) not one man has attempted to walk away, easy as it would be. Credit for this must be largely given to the superintendant and his staff who by personality and genuine concern for the welfare of those in their charge, win the confidence of all who are sent to them from the other provincial institutions. Here there is a strong emphasis on a faith in a power greater than man.....the Spirit which is God.

Not everyone, unfortunately, can be treated with such lenience. There are many who are too suspicious or too undisciplined, or too impulsive to be trusted. They must be kept in medium security institutions, like the Prince Albert Provincial Jail (Saskatchewan).

Although the facilities for vocational training are decidedly limited, the staff is doing its utmost with what is available to help their charges get a new perspective of life. Each new staff-member must pass examinations set on the in-training program. Their work and attitude are under close observation for a year or two, and likely prospects are invited to take a counsellor's course; and if that is successfully passed (tests set annually) the new counsellor is given a group of men who meet with him on certain nights for discussion groups on various topics. Any man can see his counsellor at any time to discuss any problem he has. The group with which I was privileged to sit was the pre-release group, and the respect which the counsellor commanded and his concern for those in his charge were worthy of our admiration. Here was a Christian at work....a promoted guard who knew how to take Christ into the prisons.* The other men doing the same work impressed me as being of substantially the same quality.

At Haney (the mother institution of Gold Creek Camp) there are vocational training shops, and bright modern facilities. But the atmosphere is a little ominous with the very conspicuous towers manned with armed guards. There is no chapel; but the relatively small group which gathered for worship the Sunday I visited there made a real church of the room in which we met, and the lusty singing and eager attention were a real welcome to the visiting preacher. I am persuaded that even this little bit of weekly religious contact makes a significant impact on the lives of many inmates. The Anglican Padre there is a very busy man, and much in demand among the men whose lives he influences.

* I cannot say whether this man is a church attender. I did not ask. But there is no doubt about the Christian quality of his life.

At Okalla Prison, for all its walls and ancient buildings, there is an almost cheerful air. Men work away at various trades, learning and keeping busy.....plumbing, carpentering, dairying, making prison garments, and so on. Quite appropriately, there is also a boat-building shop where even the design and moulds are made, the fibre glass fitted on and sprayed with coloured hardener and the air-tanks carefully sealed in place. It was surprising and heartwarming to note the large percentage of the prison population that hailed the chaplain who conducted me around. He was familiar everywhere...and highly respected. His work on behalf of the Church was certainly rewarded by the transformation of men's lives under his guidance. The beauty of the chapel.... prisoner-decorated....with its paintings, woodwork and metal work was a tribute to past inmates with a real feeling for worship.

Chapter 6

The Church Involved

A. The Church Thinks

In trying to determine the mind of the Church in this matter, we must bear in mind that the Church is made up of people, not all of whom are Christ-minded. Therefore some less-than-Christian opinions are bound to be expressed within the Church. Yet, I believe, Christ-like thinking predominates the "official position" of the Church as a whole. This "official position" of a church or of The Church is the stand taken by Church officials on any given issue; and it is a reflection of the verbal and written opinions of churchmen.

The most vocal elements are not necessarily the most listened to, and frequently represent only a minority of the Church family. Therefore, although they may be correct in interpretation and Christian outlook, they are apt to have less influence on Church leaders than writers. A writer can have his ideas more thoroughly thought through by his readers. The most-read authors are the best sources of public opinion for two reasons: (a) the more accurately they agree with the opinions of the readers, the more they are read; and (b) the more they are read, the greater their opportunity for affecting the opinions of the readers. So we must turn to the popular Christian writers to feel the pulse of the Church at large.

Dr. Emil Brunner begins his consideration of Justice by dividing it into Legal Justice and Christian Justice,[1] and then proceeds

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1 Emil Brunner, Justice and the Social Order, Harper & Bros., N.Y., P. 6.

to show the relationship between them. Strict justice, he says, is different from love in that the former relates only to a person's relationship to things or situations....the way a person fits his place in the pattern of life; whereas the latter is concerned with a person per se.[2] Of course as Christians we are committed to a way of Love; yet we must be just. The old legal justice, based on our apparent equality of treatment is not sufficient for a Christian to practice, because it does not have any genuine love for the individual involved. Extenuating circumstances must be taken into consideration by a Christian. Of course justice as equality would be valid if there were equality among people; but there never is. Using the illustration of rationing during the war, Brunner says, "Having at first been just in the abstract sense, it became really just when the diversity of persons and their circumstances was taken into account."[3] "Simple equality is as a rule a mere fiction of justice since it only apparently distributes the same share to each man."[4]

Real justice, then, must be governed by love, whether it is directed towards friend or foe. Since Love (in the genuine Christian sense of "Agape") is the expression of God revealed in Jesus, we (the Body of Christ on earth) are under obligation to see that it is adequately integrated with justice as conceived by man. Brunner points out with what great diplomacy this must be done, illustrating from the letter of Paul to Philemon how Love can dominate justice for a Christian.[5] Yet

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2 Ibid, Page 16.

3 IBid, Page 27.

4 Ibid, Page 27.

5 Ibid, Page 106.

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2. Cohn, page 34.

3. Ibid. page 37.

4. Ibid. page 37.

5. Ibid. page 38.

it cannot fully replace Justice.

"Love can only do more, it can never do less, than justice requires."[6] Whether one considers the legally imposed penalty as being fair, or not, some penalty must be paid by the wrong-doer in order that he may be restored to citizenship. Brunner maintains that the proof of this is found in ".....the criminal's own sense of the need of expiation .....once he sees that it is wrong."[7] At first glance this imperative of expiation seems to invalidate Jesus' parable of the Prodigal Son, where the father completely reinstated the boy, requiring no penalty of him.[8] But it is significant that his restoration to his former position in society could not be achieved until the son had paid for his folly. His extravagance and sinful indulgence were expiated by a period of utmost poverty, when he lived under the most humbling circumstances imaginable, until his penitence was complete. There was a justice in it: he who had bought friends he did not earn, became friendless; he who had wanted for nothing, lacked everything, "There is therefore no such thing as love at the cost of justice, or over the head of justice, but only beyond justice and through justice."[9]

But when we pursue the meaning of justice the shoe begins to pinch. For real justice would require the culprit to accept the punishment or pay the debt. But who is the culprit? "The Court of Justice is the expression of social disease, and in ancient times the judge and

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6 Ibid, Page 129.

7 Emil Brunner, The Divine Imperative, Lutterworth Press, London & Redhill, Page 475.

8 Luke 15:11-32.

9 Emil Brunner, Justice and the Social Order, Harper & Bros., N.Y., Page 129.

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the physician were often one and the same person. If we consider the matter deeply enough, we should realize that the tribunals of the state belong to the pathology of human society."[10] So the trial of an individual does not indicate one bad person among many good; but an example of one bad result of a sinful society. "In the whole causal series of crime for reasons of convenience we hold only the last link in the chain guilty, the 'agent' of the crime in his obvious act. It is this which constitutes the intolerable falsity of this principle of expiation."[11] Before a man or woman acts out a part upon the criminal stage, society has set the stage. "For it breeds crime by the brutality of its economic 'order', by the paucity of its provision for those who grow up in morally impossible conditions, by the harshness with which it throws upon the street all those who are less talented and successful in life, by the lovelessness with which it meets those who are least adapted to its requirements."[12] Society itself, then, must accept some blame for the creation of those who live under a false sense of values, those who have fallen into moral degradation, those who have failed in life and fallen into a despair with guilt and shame, and those who are physically or mentally incapable of earning an honest living.

Are these not the very people for whom Christ showed such

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10 Ibid, Page 221.

11 Emil Brunner, Divine Imperative, Lutterworth Press, London & Redhill, Page 476.

12 Ibid.

great concern? There were Matthew (Levi)[13] and Zaccheus,[14] caught up in the frenzy of competition in a brutal social order ridden with dishonesty and malpractice. There were the woman[15] taken in adultery and the criminal[16] on the cross who apparently were unable to overcome the adverse moral climate in which they lived. There were the penitent sinner[17] praying in the Temple and the sinning woman[18] who seemed to have just given up hope. And there were multitudes of incapacitated ....the lepers,[19] the lame,[20] the blind[21] and the ill.[22] These were Christ's concern. We, the body of Christ on earth, have not completely made them our concern. So they fall, through ignorance or necessity, through false education of unscrupulous advertising or the gnawing hunger in the belly of the unemployed. And they are incarcerated.... because we were not sufficiently concerned. And who are we? We are the conscience of Society....the Christian Church. And we are responsible for these incarcerated on two counts: because we are partly responsible for their plight, and because they belonged to the concern of Jesus, whose followers we are.

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13 Mark 2:15-17.

14 Luke 19:1-10

15 John 8:3-11

16 Luke 23:39-43

17 Luke 18:9-14.

18 Luke 7:36-38.

19 Matt. 8:1-3.

20 Matt. 21:14

21 Ibid.

22 Mark 2:3-5.

Dr. Paul Tillich confirms this analysis of Brunner with the statement that ".....love is the principle of justice."[23] He recognizes the fact that legal justice (representing power) seems to struggle with moral righteousness and religious meaning[24] (which should be characterized by love); but asserts that this is not the case in fact. "Powerless love and loveless power are contrasted....if love is understood from its emotional and power from its compulsory side."[25] When we feel that justice requires bringing a man to trial, and love demands that we seek his release, then we are guilty of injustice and sentimentality, because ".....ultimately love must satisfy justice in order to be real love."[26] It was this conviction that led the ancient prophets of the Old Testament to interpret the periodic subjugation of their country by aliens as the just chastisement of God for the people's good. The Israelites under the evil Hoshea, were conquered by Assyria;[27] but under good King Hezekiah they were saved from Sennacherib.[28]

Although justice must be satisfied, it is not sufficient alone. "Every decision which is based on the abstract formulation of Justice alone is essentially and inescapably unjust. Justice can

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23 Paul Tillich, Love, Power & Justice, Oxford University Press, London, N.Y., & Toronto, P.57.

24 Ibid, Page 9.

25 Ibid, Page 11.

26 Ibid, Page 14.

27 II Kings 17:6-8.

28 II Kings 19:14-36.

be reached only if both the demand of the universal law and the demand of the particular situation are accepted and made effective for the concrete situation. But it is love which creates participation in the concrete situation."[29]

So far Brunner and Tillich have been saying about the same thing. But the latter carries his discussion somewhat further, and concludes that man's problems are connected with his estrangement. "Actualization of one's potentialities includes, unavoidably, estrangement; estrangement from one's essential being so that one can find it again in maturity."[30] But man, being what he is, does not always mature sufficiently to find himself....certainly not in his own strength. "The power of God is that He overcomes estrangement, not that He prevents it: that He takes it symbolically speaking, upon Himself."[31] And God did this through Jesus Christ, whose body the Church is. It follows, then, that our responsibility towards those who have been estranged from the society in which we live, is going to cost the Church some sacrifice. It is going to mean that we must take their burden of estrangement upon our shoulders, to try to heal the breach between them and the society from which they have been estranged. John Dow's assertion that "....the place for Christ's people is right in the midst of needy humanity"[32] cannot be limited to the materially and physically needy; but must include the morally

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29 Tillich, Op. cit., Page 15.

30 Ibid, Page 112.

31 Ibid, Page 112-113.

32 John Dow, <u>This Is Our Faith</u>, Issued by United Church of Canada, Toronto, Page 133.

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and spiritually needy as well.

There is one particular class of incarcerated people which especially requires our attention; and that is the men and women sentenced to death. All manner of unjustified punishment can receive some compensation and restitution if need arise: even physical disfigurement can be rectified with plastic surgery. But the death penalty, once it is carried out, is irrevocable. In view of the Commandment, "Thou shalt not kill"[33] a Christian cannot take lightly his responsibility to consider the problem of capital punishment. Do we interpret the scripture in such a way as to permit killing in certain circumstances? Do we simply lay the responsibility on the shoulders of others, and avoid any contact with the cases involving capital offences? Or do we actively oppose this method of punishment? The Church must consider her stand, for her people are required to serve on juries. A verdict of "innocent" may violate a man's honest belief, and thereby constitute perjury; whereas a decision of guilty may be responsible for the suspect's death.

This is a matter of much debate and difference of opinion. Concurrence with the accepted practice is the easy way out. I have never heard or read a convincing argument in its favor from the Christian point of view. There are those who hold that it is kinder than life-imprisonment. In that case why is it considered the supreme penalty, rather than being reserved for less grievous offences? And some claim that the threat of death is a deterrent to many would-be

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33 Exodus 20:13.

murderers. Lord Chief Justice of England, Right Honourable Lord Hubert Parker, argues that England had an increase in violence during the period in which there was no hanging.[34] But that is hardly conclusive evidence of the failure of the measure which abolished capital punishment; for there was a similar rise in the number of murders committed in other countries where the so-called "deterrent" was still in effect, indicating that there were other factors affecting the crime rate....factors probably common to both "abolishing" and "hanging" countries. Parker writes: "The real agitation for abolition comes from professors, universities, and intellectuals."[35] He seems to consider that the conclusions of intelligent thinking are less valid than those which result from traditional prejudice.

A much better case can be made in favour of saving the lives of even murderers. For the Christian believes that there is the image of God in the most depraved of sinners. God did not suffer the hand of society to be turned against Cain.[36]

Emil Brunner is one of our theologians who has taken the trouble to think deeply through the various aspects of this problem. Starting from his previously-mentioned thesis concerning the guilt of society, he contends that expiation must be offered by both the criminal and society. "Society must expiate her wrongdoing by trying to compensate, so far as this is possible, for what has been left

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34 The Regina Leader-Post, August 25, 1959.

35 Ibid.

36 Genesis 4:13-15.

undone for the man who has become guilty."[37] This will be a costly system of punishment; but that "is only right, for it is this which constitutes the expiation made by society."[38] He adds that "at the same time, by the sensitiveness of such educative punishment it must deter the law-breaker from his crime, and eventually, by its duration, it must make the criminal harmless." The criminal on his part, "must offer expiation by submitting to this forcible education."[39] Although Brunner believes that the state must retain the right to kill or have its power destroyed, this does not automatically involve the necessity of putting the murderers to death. When we dispute this necessity, we dispute the meaning of capital punishment. "The only meaning it could have would be that of expiation; but this kind of expiation is one-sided, and therefore Pharisaical. Under certain circumstances the state may have no other means at its disposal. Therefore the state ought not to be deprived of its right altogether: but this right should be hedged about with so many restrictions that practically it would not exist."[40]

This sounds like a bit of a compromise....a little less than complete commitment to a principle. Even so, it would be satisfactory if the restrictions were adequate to guarantee that a lazy state would not abuse the right and take the easiest solution .....which is, of course, capital punishment. It would place a heavy

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37 Emil Brunner, Divine Imperative, Lutterworth Press, London & Redhill, Page 477.

38 Ibid.

39 Ibid.

40 Ibid.

responsibility on men of Christian conscience to be ever on the alert against such an eventuality.

Dr. Donald Soper expresses much the same sentiment: "I would say today when we are thinking of capital punishment, most of us are seeking a cheap way of dodging responsibility."[41] In his thirty years as a prison chaplain it fell to his lot to attend the condemned, counselling in the death cells and witnessing the hangings. Still he could say: "I have never met a man yet who was not worth saving..... who hadn't elements of decency in him....who had not an alter somewhere in his heart."[42] He charges that the practice of capital punishment belongs strictly to the age of "an eye for an eye and a tooth for a tooth".....a teaching contradicted by Jesus.[43]

Rev. Ray McCleary also asserts that " 'An eye for an eye' is the old dispensation" and goes on to remind us that Christians believe "we live under Grace, where Jesus Christ, the Son of God, made the one supreme sacrifice, that members of the family of God might live under God's Law of Grace and Love, not under cruelty and un-Christlike rule of 'an eye for an eye'".[44] Affirming that it is God's prerogative to give and take life, he concludes that permitting the state to accept the responsibility "is paramount to making the state supreme above God, which is untenable to the Christian way of life."[45]

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41 United Church Observer: June 1, 1958, Page 11.

42 Ibid.

43 Ibid, Page 12.

44 United Church Observer: January 15, 1959, Page 9.

45 Ibid.

And it is not just the theologians and clergy expressing theoretical opinions, either. For there are Christian laymen actively engaged in the fight against capital punishment, because their sense of responsibility compels them to "stick their necks out" on this controversial issue. Judge F. A. E. Hamilton maintains that it "is not reformatory....it is vindictive and is a relic of barbarism.... is brutally and at times is cruelly unjust...is not a deterrent... is undhristian.....cuts off a man's time to repent or reform..... is contrary to the Spirit and teaching of Jesus Christ."[46] If this is so, then it is indeed a responsibility of the Church to fight for the lives of these incarcerated who are doomed to become fodder for the hungry maw of the pagan gallows.

Member of Parliament Harold Winch has for some years exerted every possible influence to destroy certain popular misconceptions regarding the efficacy of the threat of death penalty as a deterrent to crime. He insists that even in countries where it "has been abolished for as long as a hundred years....annual statistics prove that in most cases there is a lesser degree of homicides....than in non-abolitionist ones."[47] As for the protection of the police, judging from a study of the cities in the United States (made by Professor Thorstein Sellin), it would appear "that there was no differentiation in the rate of attack or killing of police in non-abolitionist States as compared to abolitionist ones."[48]

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46 Ibid.

47 Ibid.

48 Ibid, Page 20.

Even more impressive is the statistical information given by Director James V. Bennett of the United States Bureau of Prisons. "It is interesting to note that with the exception of Michigan the states that have abolished the supreme penalty have the lowest crime rates in the country. For example, the homicide rate in Georgia's cities (non-abolitionist) in 1957 was 15.9 per 100,000 of population, as compared to no homicides in urban North Dakota (abolitionist); a rate of 1.0 per 100,000 of the population in Minnesota (abolitionist); 1.2 in Maine and Rhode Island (both abolitionist), 1.7 in Wisconsin (abolitionist) and 4.1 in Michigan."[49] Admittedly other factors are involved in this disparity than simply the fact of abolition; but it seems reasonable to conclude that the influence of abolition in lowering the incidence of murder is at <u>least</u> as great as the influence which a low rate of homicide might exert on a state to introduce abolition. That is to say, it is unlikely that certain states have abolished capital punishment just because the occasions for its use were rare.

Now, if the substitution of prison sentences for capital punishment is actually an influence in deterring people from violence, as seems most probable, then we have yet another good reason for acting on our responsibility to prevent the cold-blooded killing of any person incarcerated in our institutions. Soper's experience has led him to this conclusion; for he says "....many a man....would rather chance the hangman's noose than he would chance ten or twelve or fifteen years in the cells."[50]

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49 Federal Prison Service News Letter, Feb. 1959, Washington, D.C., P. 7.

50 United Church Observer: June 1, 1958, Page 12.

The changing mind of the Church is manifested not only in the writings of individuals, ordained or lay; but also by the development in the position of official organs. For instance, in 1954 the committee on Evangelism and Social Service of the United Church of Canada was split over the issue of capital punishment; and simply recommended to the Ottawa Interparliamentary Committee that death sentences be carried out in some way more humane than hanging. But this position was renounced in 1956 when the General Council of the United Church resolved:

"that (1) we affirm our belief that capital punishment is contrary to the spirit and teaching of Christ; (2) recognizing the difficulty in practise of abolishing capital punishment unless suitable alternative methods of treatment are available, we urge the Country of Canada to develop such alternative methods and abolish capital punishment as soon as possible....."[51] With these two resolutions, the Anglican Church is in complete agreement, for in 1958 its Council for Social Service resolved to: "Petition the Federal Government to initiate proceedings leading to the abolition of capital punishment in Canada."[52]

But the greatest indication that there is hope for the fulfilment of our responsibility to the incarcerated lies in a third resolution, following the two quoted above, that " (3) recognizing the church's responsibility for the spiritual redemption of any who may

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51 Ibid, Page 6.

52 Ibid.

be saved from capital punishment, we urge the Board of Evangelism and Social Service to initiate and direct a study through the church of how we may best fulfill this responsibility."[53]

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53 Ibid.

B. The Church Does

Apart from merely urging reform and expounding principles, the Christian Churches are making some effort to discharge their responsibility towards the incarcerated in a practical way.

The most outstanding concerted contributions to both the physical and the spiritual needs of prisoners have been made by the Salvation Army. Over the past decades the Salvation Army has earned for itself a commendable reputation (a) for its active ministry of preaching in the jails, (b) for its vigilance in the lawcourts where it has given another chance to many a friendless victim of circumstances, (c) for its numerous hostels which have given shelter to countless released men while they sought employment. Nor is this a recent undertaking, for in his 1938 report Commissioner Archambault paid this tribute: "The Salvation Army and some organizations of the Roman Catholic Church are giving creditable and commendable service."[54] The Study Commission on Chaplaincies In Correctional Institutions wished to suggest that a chaplain be a graduate of both a university and a theological seminary. But the commissioners delayed making the official recommendation to the Canadian Council of Churches until they were satisfied that the adoption of such a standard would not "impair or disrupt the Army's programme in the correctional field."[55]

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54 Archambault Report, Op. cit., Page 123.

55 The Canadian Council of Churches, Department of Social Relations, Study Commission on Chaplaincies in Correctional Institutions - October, 1958 - Report to the Biennial Meeting of the Canadian Council of Churches - Page 3.

6. The Church Law

Apart from minor matters of form and accompanying ceremonies, the Christian Church and Christian Law which is difficult to draw conceptually cannot be interpenetrated to a great extent.

The most outstanding historical manifestations to date are physical and the spiritual needs of a community have been made to the satisfaction also. Law is used because the individual and the general for itself a communal expression for the [illegible] of [illegible] according to the [illegible] (3) for its relations to the community [illegible] given manner. [illegible] a [illegible] [illegible] of [illegible] [illegible]. (4) for its [illegible] [illegible] [illegible]

The United Church of Canada is becoming increasingly aware of her responsibility in this field. Her department of Evangelism and Social Service has been much concerned lately about the fate of those sentenced to the gallows. Such institutions as the Fred Victor Mission (Toronto) are increasing their facilities, through which they make a direct contribution towards the care of the destitute, including many recently released from prison. Her people are thinking about the problems involved, and bringing them to the attention of the public through the columns of her bi-monthly, the OBSERVER. There are frequent educational editorials and other articles in the OBSERVER dealing with Canada's contemporary penal system,[56] her experiments with different types of medium and minimum security prisons,[57] and her proposed reforms in methods of care and treatment of prisoners.[58]

A more direct service is being rendered through the chaplains. In 1958 the United Church had three full-time and one part-time.[59] Although many other ministers living in areas where penal institutions are located make some contribution towards the spiritual welfare of the inmates, the official representation of the United Church of Canada is very meagre - especially in proportion to the size of the denomination.

This field of chaplaincy is an area in which the Anglican Church, in spite of its fewer numbers, manifests a greater missionery consecration; she had seven full-time and two part-time chaplains in

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56 United Church Observer, March 1, 1959, Page 12.

57 United Church Observer, July, 1958, Page 12.

58 United Church Observer, September 1, 1958, Page 6.

59 Canadian Council of Churches, Op. cit., Page 2.

our prisons in 1958. The Baptists and the Presbyterians each had two full-time chaplains, while the Salvation Army has as many as all the others put together (17 full-time and 58 part-time making a total of 75). The Roman Catholic church had eight chaplains in the Federal Prisons, and several in the provincial jails.[60]

The role of a chaplain in the Correctional Institutions is at present just being developed and defined. The "Canadian Correctional Chaplains' Association" was formed in 1957. It has adopted and urges these standards.....

" 1. Chaplains.....in every institution.

2. The Chaplain shall be a responsible member of the administrative staff and be accorded all professional privileges.

3. Appropriate facilities.....shall be provided.

4. The right of all inmates to attend services of worship.....

5. The right of all inmates to free counsel.....

6. The right of all inmates to religious instruction....

7. The chaplain shall encourage the interest of religious and socially minded groups and enlist their active support in the continued spiritual care and development of the inmate upon release."[61]

In 1958 the Canadian Council of Churches received a report from its Study Commission on Chaplaincies in Correctional Institutions (under the Department of Social Relations of the Canadian Council of Churches). One of the major issues considered was the

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60 Ibid, Pages 1 & 2.

61 Renewal, Vol. 1, (Official Organ of the Canadian Correctional Chaplains' Association), Page 2.

qualifications of a chaplain. After a careful study of the Standards adopted by the Accrediting Committee for Chaplains in Mental Institutes, the commission favoured the formation of a similar accrediting committee for chaplains in correctional institutes. It "agreed to suggest to the Council that, for the time being, in the matter of accrediting correctional institution chaplains, stress be placed upon qualifications and capacity for service rather than denominational affiliation."[62] The proportional representation of any given denomination, therefore, would ultimately depend on the interest of that denomination in training its clergymen for this type of work. "To this end the communions should encourage their clergy to seriously consider this particular field of service."[63]

Meanwhile the Commission made, in its report, these definite recommendations:

" (a) That there be full-time chaplains in all major federal and provincial correctional institutions across Canada.

(b) That the Communions in the Canadian Council of Churches be prepared to provide adequate ministrations in the light of the increasing emphasis on treatment, counselling, and rehabilitation in the various correctional institutions.

(c) Recognizing with sincere appreciation what has been done in the past, the Commission recommends that in future all chaplains appointed to correctional institutions in Canada be required to take certain special training for this specialized task.

(d) That the Churches, through the Canadian Council of Churches, establish a set of standards for Correctional Institution Chaplaincy and an Accrediting Committee for Chaplains in Correctional Institutions."[64]

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62 Canadian Council of Churches, Op. cit., Page 3.

63 Ibid, Page 3.

64 Ibid, Page 3.

So the church is accepting her responsibility towards the incarcerated: denominationally, through some work in the courts, a very limited amount of after-care for those with little means of support, education and propagandizing by means of literature; individually, through a very few clergymen released from their regular duties for full-time chaplaincy work; collectively, through action taken and studies made by the Canadian Council of Churches.

C. The Church Influences

By no means all the work of Christian motivation is done within the fellowship of, nor even under the auspices of, the Christian Church. But our society has, for centuries, been influenced by Christian principles; and our philosophy is now so impregnated by them that they pretty well determine the moral standard which our society claims to accept. In point of fact "normal" social behaviour in concrete situations is usually quite different from the avowed standard - which is conceived in abstract principles. That is to say that we frequently fail to apply the principles which we advocate (e.g. love, brotherhood, democracy, etc.) to the existential situations in which we find ourselves. (Sometimes this is because we simply fail to see the connection between the two; sometimes it is because we willfully ignore the connection when it is not in our self-interest; sometimes we deliberately rationalize a disregard for the connection because of fear or prejudice.)

Yet from time to time there arise conscientious men and women (some professing Christians, some who have simply inherited the Christian conscience) who cannot tolerate too great a disparity between theory and practice. And once such an alert person as John Howard takes the trouble to point out where such inconsistencies exist, many others (who may be as conscientious, but less observant) respond to his challenge. So it was that when John Howard demonstrated the contradiction between the purpose of a reformatory and the results attained by contemporary treatment he found many supporters eager to help him change the situation. And as concerned folk began

to understand how much help was needed to rehabilitate released prisoners they started to form prisoners' aid societies, often naming themselves after John Howard.

Rightly speaking, we cannot refer to THE John Howard Society, but to the societies, or to a particular John Howard Society in a particular place. All over the world little groups have gathered to pick up the job where Howard left off. Inspired by his devotion, enlightened by his revelations, and encouraged by his successes these little societies seek (a) to minister to the immediate needs of the incarcerated, (b) to procure reforms in jail living conditions, (c) to establish such in-prison industries as the Dutch spinhouses (for women) and rasphouses (for men), or something similar to keep the inmates usefully occupied and (d) to elicit penitence, through the preaching of God's wrath and love. Each is organized independently, and works on a purely local basis, with no central executive, national or international. It is, therefore, difficult to determine even approximately how many such organizations -- by the same or other names, -- exist today.

As governments have slowly moved forward in re-evaluating the purposes of prisons, in introducing new methods of handling the criminals, in eliminating barbarisms by training their guards, and in providing necessities for convicts, the emphasis of the prisoner's aid societies has changed. More and more the concern has been for rehabilitation of those who are released into civilian life. Their immediate physical needs must be considered first. Then work must be obtained for them. They must be helped to make the difficult psycho-

logical adjustment from a completely protected life to one which is filled with duties and decisions. This requires the raising of money, the convincing of prospective employers, and the fostering of the public relations necessary to overcome the stigma attached to those who have such a "past".

There are certain limitations to the work which these societies can do. First of all, there is never enough staff. For sufficient help, great numbers of part time volunteers could be used; but there are generally very few interested. Volunteers can do much of the ground-work of rehabilitation -- providing finances and clothing, locating jobs, opening their homes (i.e. befriending) and entertaining out of work hours. In fact, some professional laymen could even do some of the counselling which is so vital a part of the transition period.

The limited supply of personnel with suitable education is a major limitation. Those with social-work experience are particularly desirable; but often those with only interest and enthusiasm have to carry the load. And even people thus equipped are very scarce. How crippling this scarcity can be is manifested in the lack of community enlightenment. The largest part of our population is more afraid of, than concerned for, anyone "with a record"; and this apprehension communicates itself silently and devastatingly. Understanding members of the John Howard Societies try to propagandise that, as Scudder has written, "Prisoners are People".

It is sobering to read in an official pamphlet (THE JOHN HOWARD SOCIETY -- WHAT'S THAT?) these words: "Canada has long lagged

behind other countries in prison reforms and rehabilitation programs."[65] In 1938 the Archambault Report made several recommendations which were not acted upon for some years because of the Second World War. The John Howard Societies are heartily supporting the Commissioner of Penitentiaries, Major-General R. B. Gibson, as he is now gradually having them implemented.

The first John Howard Society in Canada, curiously, was formed in British Columbia (a relatively new province) in 1923, by the Rev. J. D. Hobden. One by one the other provinces all followed suit, till finally the Manitoba Prisoner's Aid Society changed its name to that which the other provinces of Canada were all using for their respective groups: The "John Howard Society".

One example will suffice to indicate the type of organization and work typical of these societies. It is only eleven years since the John Howard Society of Alberta was formed as a provincial body, with Mr. G. B. Henwood as its first president. An excerpt from its first annual report states: "It has been the policy of the board that of those purposes laid down at the founding of the Society, the rehabilitation of the offender should be developed on a sound basis before the society becomes actively involved in other fields such as penal reform". Today there is an active membership of over 1100 people in Alberta, connected with the three Local Councils (Calgary, Edmonton, and Lethbridge -- all employing professional staff) and nine volunteer District Committees (including Taber,

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65 The John Howard Society - What's That? - printed by John Howard Society of Alberta, Calgary, Alberta.

[illegible] other [illegible] to [illegible] [illegible] [illegible]. [illegible] To [illegible] the [illegible] report [illegible] [illegible] [illegible]

Red Deer, Pincher Creek, Fort McLeod, and Vegreville). Besides these there is an uncounted number with "group membership", belonging through the twenty-six units scattered all over the province.

The central co-ordinating office for Alberta is in Calgary, ensuring that the society throughout this province will be one co-operating organization. Our group in Edmonton works closely under their direction, and shares the work in the intermediate points with the Calgary staff.

Originally the method of assisting rehabilitation from the Edmonton office was simply providing food, clothes and lodging. Financial and material contributions were collected and distributed to discharged men. But this system has been judiciously modified; and now the "hand-outs" are handled more by such agencies as the Salvation Army. The emphasis today is upon pre- and post-release counselling. The Edmonton Director (Mr. Deildal) has a certain set schedule for visiting at the Fort Saskatchewan Penitentiary, while the Edmonton Case-worker, (Mr. Oswin) does his formal work at the Bowden Institute for Boys (a job he shares with a Calgary Worker). The rest of their time is spent in writing up the case-histories, making necessary arrangements for their charges, interviewing men on parole about employment problems, or other situations needing counselling. Some times money is needed, or a "chit" for bed and meals, or legal assistance. Hard though these men work, they can hardly touch the surface of all there is to be done. Their staff consists of two ladies to handle the routine office work. Public support is definitely limited; though a commendable service is still

being rendered. "Friends" of the Society give an annual donation of money. Some create, and others help to locate, jobs for ex-prisoners. A few open their homes, so that those being rehabilitated can experience the psychologically valuable friendliness and security of good family life.

So far as the churches are concerned, there is no direct active participation in this work of the John Howard Society. There are individuals, and even ministers, who support it; they donate to it, propagandize on its behalf, and some times engage in direct personal service. But the churches are too busy expanding, or just trying to stay together. The best we seem to be able to manage is an occasional "project" in answer to some special appeal. Therefore, though the present organization is as efficient as its size permits, its usefulness is definitely curtailed. Spasmodic church or public interest cannot possibly accomplish as much as consistent, concerned and active support.

A more authoritative and influential step was taken on an international scale in August, 1955. The first United Nations Congress On The Prevention Of Crime And The Treatment Of Offenders met in Geneva, Switzerland. The matters of Open Institutions, Prison Labour, and the Prevention of Juvenile Delinquincy were carefully studied. Of even greater importance was their insistence on more judicious recruitment and more serious training of prison personnel. But the most helpful contribution which the Congress made was the establishing of Standard Minimum Rules for the Treat-

ment of prisoners.[66]

Church, community, state and world are maturing in their understanding of the social non-conformist; they are becoming aware of their responsibility to the incarcerated. The Spirit of Jesus Christ, through His Body, the Church, is exerting an influence on society on behalf of God's outcast children. But apathy, self-righteousness, superstitious prejudice, and just plain fear are hindering the coming of a more enlightened age. There is still much to be done.

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66 Annual Report of Commissioner of Penitentiaries for the Fiscal Year Ended March 31, 1956, Page 8.

Chapter 7

WHAT MORE?

What remains to be done is a job that will never be finished. It includes the awakening of the public conscience to a sense of involvement in the plight of the incarcerated, so that the public will be prepared to offer its share of expiation. It must compel a deeper concern and more devoted participation of government in the work of reformation and rehabilitation. It will oblige the Church, through her official organs, to carry Christ's ministry of spiritual healing where it is most desperately needed. And it requires a sacrifice from every Christian: (1) the giving up of time and talent in service, or (2) the giving up of money to support the organizations which are doing the work, or (3) the giving up of the blind prejudices which so effectively exclude people "who are different" from society - or (4) maybe all three.

It is an indication of man's inherent laziness that he will often pay to have an unavoidable and unpleasant job done, instead of doing it himself. Although there is considerable statistical evidence from more progressive countries that the rate of recidivism is decimated when certain psychological and physical reforms are introduced, we, as a country, have failed to act on this available information. Instead, we pour fabulous sums of money into the animalistic care of people who could be made into useful, productive citizens -- simply because the necessary action would involve the personal participation of a large number of people, in addition to a heavy initial investment. For most of us this personal involve-

ment will be with released offenders or parolees.

The Rev. Jesse McNeil, Vice-chairman of the Michigan commission of correction, states:

> "All the good of a corrections program is lost when one offender is rejected by the people with whom he is told to associate when he is released. Is it any wonder that recidivism is so high when offenders are rejected by church-goers, employers, fellow workers and finally driven back to former criminal associates? Yet the offender is only seeking what is a basic need for everyone - roots in the community, standing, love, and the feeling of belonging. It is our collective responsibility to put out a helping hand."[1]

And in his 1949 annual report Commissioner of Penitentiaries Gibson urged:

> "It cannot be too strongly stressed.....that the effectiveness of any program of ex-prisoner rehabilitation is dependent, in the final analysis, on the support of the general public."[2]

Then in 1952, the Hon Gerald Fauteux, reported:

> "Need for reform in the field of correction in Canada is great. Improvements in correctional facilities

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1 Federal Prison Service Newsletter, December, 1958, Washington, D.C., Page 17.

2 Annual Report of the Commissioner of Penitentiaries For The Fiscal Year Ended March 31, 1949, Page 22.

> in Canada have lagged far behind those in the other social sciences. It appears to us that the factor chiefly responsible for this state of affairs has been continuing lack of public interest in the subject which, at times since confederation, has amounted almost to apathy."[3]

And the first step towards overcoming this apathy is the clearing from our own minds of the preconceived judgements which "type" people adversely. "Who is responsible for the stigma attached to a prison sentence? We, as citizens are responsible. Only we citizens can abolish this stigma. It is the greatest single obstacle to rehabilitation."[4] So reads a John Howard Society pamphlet.

There are four suggestions upon which the John Howard Society would like to see some action taken:

(a) Careful segregation of new from old offenders so that opportunities for private tutoring in crime may be reduced. (Gen. R. B. Gibson, in his 1947 report, points out that lack of facilities for segregation hinders classification; and a complete reorganization of the administration might be necessary before the situation could be remedied.)[5]

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3 Hon. Mr. Justice Gerald Fauteux, Chairman, "Report of a Committee Appointed to Enquire Into The Principles and Proceedures Followed In The Remission Service Of The Dept. of Justice of Canada", P. 11.

4 The John Howard Society - What's That? - printed by the John Howard Society of Alberta, Calgary, Alberta.

5 Gen. R. B. Gibson, Chairman, Report Of The Royal Commission To Investigate The Penal System Of Canada, 1947, Queen's Printer, Ottawa.

(b) Training and educational facilities provided for all prisoners to meet the problem of offences at one of its sources--the need for security.

(c) The enlightenment of public, so that released offenders will not be ostracized, and thus psychologically beaten.

(d) The opening of good Christian homes, so that rehabilitation can be effected in a comfortable atmosphere; and so that the persons being rehabilitated can be re-educated into the purpose and possibilities of strong family life. (Most of them have experienced very unpleasant family relationships.)

The overall effect of such programs would be to drastically reduce the cost of maintaining prisons and penitentiaries.

Another improvement which can be made, both to save government money and to deal more humanely, is to establish an extensive probation system. Tim Creery, in THE CANADIAN PENITENTIARY AND PRISON REHABILITATION quotes: "Last year (1951) the cost per capita for probation treatment was $99 per year, whereas the cost per capita in our provincial jails was $865 per year....." This is part of a statement made by E. G. B. Stevens, inspector of jails and provincial probation officer, in the Free Press, (British Columbia). Probationary treatment would greatly facilitate the counselling work of the John Howard Society, because it would help to eliminate the stigmatic "prison-complex" from a good many of their counsellees.

It is in this field of probation that the governments' greatest contribution will probably be made. In 1957 Mr. Fauteux remarked that the trend in England in the administration of justice

appears to be "imprisonment as a last resort";[6] and that it "is our opinion that adult probation is the area of corrections in Canada where the most significant advance is required to be made".[7] In 1952 Commissioner Gibson's annual report also observed that "modern penology places great emphasis on a further extension of probation".[8] Five years later the OBSERVER editor wrote: "Five of (Canada's provinces) haven't even got probation officers, and the nation as a whole has about one fifth the number needed."[9] Last year the OBSERVER reported that there were still "some provinces in Canada with no probation system whatsoever....."[10]

The theory behind probation is that some offenders might be better corrected without a prison sentence. Many a person finds himself in trouble with the law because he made an unwise decision or yielded to an abnormal temptation without bearing any malice towards society; and being convinced of his mistake and recognizing his foolishness, he will settle down to become a serious and worthy citizen. However, those whose offences against society have been detected cannot simply be excused. They must be supervised during their period of probation (of trial, or of opportunity to prove repentence). This will require a number of probation officers -- men of Christian character: humble and understanding, yet firm and concerned.

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6 Fauteux, Op. cit., Page 18.

7 Ibid, Page 13.

8 Annual Report of the Commissioner of Penitentiaries For The Fiscal Year Ending March 31, 1952, Page 8.

9 United Church OBSERVER, September 15, 1957, Page 6.

10 United Church OBSERVER, November 15, 1958, Page 6.

Parole is very similar to probation, except that it concerns those who are actually sentenced. After a certain part of a sentence has been served a prisoner may be granted a parole, providing his conduct warrants it. He has to remain within a specified geographical area and report to the authorities at stated intervals. This gives him an opportunity to seek employment, to cement weakened family ties, and to escape the adverse prison atmosphere a little sooner. It has the added advantage of giving him another incentive to adjust quickly to society: if his behaviour during parole is unsatisfactory he must return to finish his sentence. The OBSERVER reports on reform in this area:

> " The Hon. E. Davie Fulton.....is determined to do something about our antiquated and costly prisons... . Already a bill to set up a national parole board is before the house of Commons. This will replace the 1895 ticket-of-leave system. Canada's present penal system is costly to the taxpayer, often unjust and frequently educates in crime. Its penitentiaries don't make inmates penitent; its reformatories don't reform. And society bears the shame and pays the bills. If Mr. Fulton is able to have his way it will cut our bills, reduce our prisons, set erring individuals right after a first offence and make Canada a safer place."[11]

True, there is much more for the government to do in penal reform; but the measures being introduced and the actions being taken and

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11 United Church OBSERVER, September 1, 1958, Page 6.

the concern being manifested, are encouraging. The fact that this progress is being advertised in Canada in pamphlets and magazines gives us reason to hope that a new age is about to dawn. Repentance will replace resentment; and reformation, punishment. Hope will be given in place of despair; and knowledge for ignorance. Healing acceptance and love will be given instead of devastating rejection and ostracism. Hindrance will be exchanged for help; and antisocial conduct, for good citizenship -- in many cases. But this can happen only if we of the Christian Church will accept our responsibilities, too.

The Church's influence on the governments and on the general public is not as great as it should be; but it is considerable. The World Council of Church recognizes our responsibility to use this influence.

> "So far as the question of penal reform is concerned, we have suggested to the member-Churches in the Canadian Council that there are at least four things which they can and should do in this particular field of Christian social action:
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> (a) Frequently remind those in authority at the county, provincial and federal levels that the average prisoner is sent to prison as punishment and not for punishment."[12]

This sort of action strengthens the hands of men like Fulton and Gibson who, without backing, might be considered as lone agitators. As long as bodies of citizens keep reminding the governments that

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12 As summarized in a letter from Rev. Fred N. Poulton, Secretary of the Dept. of Social Relations, World Council of Churches.

they are concerned, the reform proposals cannot be ignored. The second suggestion for Church action is similar:

> " (b) Urge upon the proper authorities that to the utmost extent possible the period of incarceration should be used to change and correct, if possible, the anti-social tendencies which led to a prison sentence, and to provide the prisoner with opportunities for gaining knowledge and acquiring skills which will help him to make his way in society upon his release."[13]

This adds to the humane emphasis of the first suggestion, the more distinctly Christian aspect of a personal concern for the future wellbeing of the individual offender. But it cannot be a Christian action unless there is more than recommending to others. The churches must be willing to participate in the work:

> " (c) Make themselves acquainted with and support those agencies and organizations which are engaged in the all-important task of after-care and rehabilitation of the released offender."[14]

We as a church can give our support to the John Howard Society (or other prisoner's aid society) nearest to us -- perhaps through a committee elected in each congregation. "The John Howard Society is literally in the business of soul saving, of restoring to dignity and self respect broken men. Surely this is a work which should appeal to our church people."[15]

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13 Ibid.

14 Ibid.

15 The John Howard Society - What's That? - Printed by the John Howard Society, Calgary, Alberta.

We have committees for building, for Christian Education, for finance, for missionary work, and so on. Perhaps it is time we included the ministry to this neglected segment of our brethren as a normal part of our responsibility, as the Body of Jesus Christ. It was certainly part of His redemptive work. Not everyone is able to take part in this out-going, reassuring confidence-winning type of giving, because of personality differences (some are too gruff, to impatient, or too self-righteous; some, too easily embarrassed, or shy to offer quick friendship to a stranger; and some have fears and prejudices too deep to be overcome in a moment). Yet there are enough of our people with understanding and compassion and courage sufficient for this challenge..... if it be presented to them. And this is the fourth suggestion the World Council of Churches offers us:

> "(d) Seek to cultivate within the local congregation a spirit of Christian understanding and forgiveness which will make it possible for the former lawbreaker to find a place of service within the fellowship of the Church."[16]

We can help to make the public aware of the great need for prisoner's aid work by encouraging ex-prisoners into our fellowship. This would involve a radical change of attitude on the part of many Church people. One reason that ex-convicts usually feel less comfortable in our company than among the unsophisticated dwellers of our city slums is that we within the church tend to develop attitudes of superiority and self-righteousness. Rev. Barry Cooke believes that here the Church has a responsibility. "In effect, society, in a

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16 Poulton, Op. Cit.

self-righteous way makes these men into criminals and the church condones it by failing to bring the ex-prisoner into the fellowship. There is a practical way in which this could be done. Every time a man is released from one of Canada's prisons the chaplain could get in touch with the ministerial group in the town to which the man is going. One of the members of the church could then make a point of visiting the ex-prisoner. If the minister visits the man, at first he is inclined to think of the visit as a 'put up job'."[17]

Not only is it undesirable that released offenders return to former associations which are frequently found in the slums; it is undesirable that these slums should exist at all. It is difficult to maintain high standards of decency and self respect while living in filthy surroundings and among people with a blunted sense of ethics and honour. It is not uncommon for apartment owners (some of whom are church attenders) to permit their buildings to degenerate into hovels, so long as tenants can be found for them. There are whole blocks of such crowded rats-nests in Halifax which were condemned twenty years ago, yet are still over-occupied today. Perhaps if the church insisted on the destruction of such dwellings as the civil authorities deem unfit for human habitation, one of the spawning-grounds of criminals would be eliminated. What better way to care for an incarcerated man than to prevent him from needing incarceration? "While heredity undoubtedly has an influence in forming a criminal personality, yet it has been discovered by means of expert case-work

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17 United Church Observer, November 1, 1958, Page 12.

that the greatest of all influences is that of environment in early life."[18]

The fact that we cannot immediately eliminate all unfavourable environmental influences is no excuse for apathy. It is all the more reason for an active ministry to the people living under them. Rev. B. F. H. Cooke, writing about women in prison, says: "The fact is that very few of these women ever have any contact with the church. They are often lonely outcasts when it is known that they have a record. In time a person grows to lose not only the respect of others but respect for self."[19] The Church has a responsibility to help people keep their self-respect. Partly it must be done by an active and loving association after release. Partly it can be done by evangelization among those whose environment is most conducive to criminal behaviour. But it must also extend to those who are actually incarcerated.

One way in which we can reach those who are behind bars is through print. Mr. Archambault, in his 1938 report mentioned the great need for religious literature in the jails and prisons. Churches could provide devotional and inspirational leaflets, denominational magazines, and good but simple books; and through these the message of Jesus about the worth of man could be preached.

The crafts and hobbies carried on in corrective institutions are excellent morale builders; and when they result in honest cash, they are very good for the ego. But it is difficult for these

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18 Archambault Report, Op. cit., Page 175.

19 United Church OBSERVER, November 1, 1958, Page 12.

products to compete on the open market because labour unions usually attempt to keep a monoply of trade for their own members. The church could be of use by holding bazaars -- either to return all proceeds to the makers, or on a commission basis. The latter course would give the offenders an added feeling of worth in that they would be helping the Church which helped them.

And how about the individual Christian? Can one serve aside from supporting organizations and projects? Some can. There is a place for visitors and correspondents - particularly for offenders who have no interested friends or relatives. Not all institutions will co-operate in this; and in any case the volunteer is carefully selected by his ministers and the warden.

For the trained social worker there is unlimited opportunity to work with the prisoner's aid societies, or to join the staff of an institution.

There are so many worthy causes in which we can become involved; and no one can spread himself over them all, and remain effective. But many of our churches are growing in membership -- especially in the cities; and we should therefor be able to embrace ever-widening fields of service by properly presenting both new and old members with the varied responsibilities of the Christian Church .....and expecting each to choose an area in which to work. But we must beware of acquiring a "Good Samaritan" complex: the Good Samaritan did more than was expected of him; but for a Christian this service is not beyond the call of duty -- it is our responsibility. And how can this responsibility be discharged? Certainly,

concerned individuals in the congregation must become nuclei around which some enduring force can be generated and by whom it can be directed. But the co-operation of the ministers is vital to the effectiveness of such efforts. John Kidman mentions the need of dependents of the incarcerated,[20] and care of these can be an effective opportunity to establish a relationship with the offender himself. Another avenue of service could be opened by the reintroduction of an experiment attempted some twenty years ago.

> "Mr. Neelans, superintendent of jails and reformatories in Ontario, informed us that, for some years, he has been sending a monthly list of prisoners admitted to the reformatories to the churches of their affiliation. His motive has been to establish a point of contact between the prisoner and the church in the prisoner's locality, so that the church and its organizations might have an opportunity of taking an interest in the prisoner and assisting him eventually to become an honoured member of society. Mr. Neelans advised us that some of the Protestant church organizations have shown no co-operation with his department, and, as far as he knows, have not taken advantage of the information supplied to establish any organized method of assistance. We think the course taken by Mr. Neelands was commendable, and we trust that, in the future, some definite plan of closer co-operation may be evolved."[21]

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20 John Kidman, The Canadian Prison (The Story Of A Tragedy), The Ryerson Press, Toronto,

21 Archambault Report, Op. cit., Page 124.

Surely here lies a great responsibility which we must accept. Surely Rev. E. Mullen was right when he said that a minister cannot afford to be a "private chaplain to the idle and privileged while thousands languish in hospital, prisons, and dens of iniquity."[22] We must preach about the concern which Jesus had for all who had fallen beneath the heel of society; we must be able to intelligently explain the reasons for such down-falls, and the measures necessary to redeem the fallen; we must show the extent to which circumstances are responsible for our good fortune, or bad, and how greatly society as a whole is to blame for the conditions which cause people to run afoul of the Law. And then, when our laymen have opened their hearts and their homes, their prayers and their purses, we must be prepared to share the heavy burden of counselling, UNDER THE DIRECTION of competent supervisors such as the experienced employees of the John Howard Society. If we would serve Christ, we must serve people.... and, after all, "prisoners are people".

Jesus "came to seek and to save that which was lost."[23] He came not "to call the righteous; but sinners to repentence."[24] It was to those whose lives were in a mess and out of tune, that he felt his greatest responsibility. Where does this condition prevail more obviously than among the incarcerated of our land - those who have been convicted for their sins, and humbled before their fellows? These, also, are the concern of Christ. The Church is Christ's Body. Therefore the Church has a great responsibility to the incarcerated.

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22 In a Sermon by Rev. Ed. Mullen at St. Paul's United Church, Edmonton, Alberta, in the spring of 1958.

23 Luke 19:10

24 Matt. 9:13

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